



An
Bord
Pleanála

Inspector's Report ABP-309601-21.

Development	Change of use of a former skin and hide store to a storage and distribution hub (including administration area).
Location	Eskershanore, Kilcreest, Loughrea, Co. Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1832.
Applicant(s)	Chanelle Pet Unlimited
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal
Appellant(s)	Chanelle Pet Unlimited
Observer(s)	Sean Stewart.
Date of Site Inspection	25/05/2021.
Inspector	A. Considine.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
4.0 Planning History.....	8
5.0 Policy and Context.....	11
5.1. National & Regional Policy	11
5.2. The Regional Spatial & Economic Strategy (RSES) 2020-2032	12
5.3. Development Plan.....	12
5.4. Natural Heritage Designations	14
5.5. EIA Screening	15
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Planning Authority Response	18
6.3. Observations	18
7.0 Assessment.....	20
7.1. Principle of the development.....	20
7.2. Compliance with National Guidelines & Standards, the County	
Development Plan & General Development Standards:	21
7.3. Site Suitability & Water Services	23
7.4. Roads & Traffic	26
7.5. Other Issues.....	30
8.0 Appropriate Assessment.....	34

8.1. Introduction	34
8.2. Screening for Appropriate Assessment.....	35
8.3. Conclusion on Stage 1 Screening:.....	45
8.4. Natura Impact Statement	45
8.5. Consultations and Observations	46
8.6. Stage 2 Appropriate Assessment.....	47
8.7. Potential Significant Effects.....	50
8.8. Mitigation Measures	51
8.9. Assessment & Conclusion on Potential Significant Effects	52
8.10. Cumulative & In Combination Effects.....	52
8.11. Residual Impacts	53
8.12. Overall Appropriate Assessment Conclusion.....	53
9.0 Recommendation.....	54
10.0 Reasons and Considerations	55

1.0 Site Location and Description

- 1.1. The appeal site is located in the open countryside of South Co. Galway, approximately 8.5km to the south-west of the town of Loughrea. Kilchreest Village lies approximately 2km to the north. The site is accessed over the local road network via the R380 regional road (former N66) and the L4219, with the access to the site being located on the local road, approximately 180m from the junction with the regional road to the east. Kilchreest National School is located adjacent to the junction of the R380 and the L4219. This rural area is sparsely populated but there is a dwelling house and farm bounding the site to the east. There are two national monuments located to the north of the site, and across the road, in the form of a 15th century Castle / tower house and Bawn.
- 1.2. The site has a stated area of 0.736 hectares and includes the existing buildings associated with the former animal skin and hide curing and storage facility including two curing/storage buildings, an office building – which is a single storey L shaped building located to the southern end of the site, a loading ramp, a storage tank and mixer, a water storage tank, and a septic tank. The existing buildings on the site have an overall stated floor area of 2,638m². There are two vehicular entrances into the site from the local road and there is a boundary wall running the length of the site along the public road.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the change of use of a former skin and hide store to a storage and distribution hub (including administration area) works will include:
- the demolition of an existing store (existing store building A - GFA: 1,073sqm) and associated tanks,
 - external and internal alterations to an existing store including the construction of a ramp and dock leveller ("existing store building B - GFA 1,367sqm).
 - Works also include for the installation of a new wastewater treatment system and the upgrade of the existing surface water management system,

- removal of an existing vehicular access and the creation of a new vehicular access point to the public road.
- The proposed development also includes appropriate landscaping as well as all associated site development works and services.

The planning application is accompanied by a Natura Impact Statement. Gross floor space of any demolition; 1,073sqm, all at Eskershanore, Kilcreest, Loughrea, Co. Galway.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form,
- Cover letter
- Traffic & Transport Assessment
- Stage 1 Road Safety Audit
- Natura Impact Statement
- Appropriate Assessment Screening Report
- Bat Survey
- Site Characterisation Form
- NSAI Agreement Details for BMS Stormbreaker System
- Engineering Report for Civil Works and proposed Tertiary Treatment System

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. It is considered that the proposed storage and distribution development would result in an unsustainable form of development, not considered compatible or generally suitable to an unserviced rural area and is a use that is considered most suitable to appropriate zoned and serviced lands. Therefore, if permitted as proposed development would materially contravene Objective EDT 11 and

EDT 7 of the Galway County Development Plan 2015-2021 which seeks to provide for rural orientated developments in accordance with the criteria set out under Objective EDT 11 and to align industrial and enterprise to serviced and appropriate zoned lands in the Local Area Plans for the County.

2. Owing to the proximity of the development to the adjoining rural dwelling house to the east and the nature of the intended uses and movements and noise associated with same, the planning authority consider that the proposed storage and distribution facility would have a significant adverse impact on the residential amenity of the adjoining dwelling, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
3. The planning authority is not satisfied that the impact on nearby archaeology GA104-127 (castle/tower house) and GA127-001 (bawn) has been adequately considered in the application and therefore, in the absence of any assessment of the impact of the proposed development on the archaeology of the area, it is considered that the development would materially contravene Objectives ARC1, ARC2, ARC7 of the Galway County Development Plan 2015-2021 and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report and Appropriate Assessment.

The planning report concludes that proposed development is not acceptable, and that the principle of the development contravenes Objective EDT 7 of the County Development Plan 2015-2021. In addition, the report considers that the proposed development would have a significant adverse impact on the residential amenity associated with the adjoining property to the east. The impact of the development on the archaeology of the area has not been considered in the application details. The

Planning Officer recommends that permission be refused for the proposed development, for reasons relating to principle, impact on residential amenity and archaeology.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

Environment Section: In the event of a grant of planning permission the following is required to be considered:

1. All mitigation measures highlighted in Section 5.2 of the NIS must be adhered to.
2. The Tertiary WWTP is to be maintained properly with a maintenance contract agreement put in place at all times, so it poses no risk to groundwater quality.
3. The existing septic tank needs to be desludged by a registered contractor and then decommissioned.

Roads & Transportation Department: Notes that the proposed development will result in the setting back of the boundary wall along the site frontage to achieve sightlines. This will result in an expansive landscaped area – up to 12m wide - that will require significant ongoing maintenance. A Landscape Maintenance Plan should be provided by the application to demonstrate the commitment to maintaining this area.

In addition, it is noted that there are 2 utility poles that will require to be relocated. The applicant is required to submit written confirmation from the relevant utility provider that these poles can and will be moved back on a grant of planning permission, or a special contribution should be attached to allow the municipal district to arrange the set back.

3.2.3. **Prescribed Bodies**

None.

3.2.4. Third Party Submissions

There are 2 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- The Board of Management of the Kilchreest NS have raised concerns in relation to roads and traffic matters.
- In the past, trucks waiting to enter the subject development site have parked in the school car park and have caused obstruction during school hours.
- This obstruction also impacts on out of school hours events.
- There needs to be an improvement in the road layout.
- Mr. Sean Steward, who resides in the adjacent dwelling, has also raised concerns in terms of the proposed development and the impact of increased traffic on the enjoyment of his and his parents' home.
- The increased traffic will also have a negative impact on the use of the land adjacent to the site and the use of the land for their dairy herd.
- Yearly flooding issues at the junction of the main Loughrea – Gort Road and the local road have not been addressed.
- Issues raised in previous refusals of permission for development at the site have not been addressed.
- The application indicates that there is a mains water supply which needs to be proven. The existing facility is not on the Kilchreest water scheme serving the area.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP ref. PL 07.230517 (PA ref: 08/30): Permission refused following an appeal to the Board for the change of use of two buildings to a Materials Recovery Facility for the following reasons:

1. The proposed development is located over a major aquifer of regional importance and high vulnerability and in close proximity to the

Owenshee River which flows into the nearby Peterswell Turlough; a designated Special Area of Conservation. Having regard to the high-water table at this location and to the contaminated nature of the surface water run-off from the proposed materials recovery and vehicle repair activities within the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and appeal, that adequate provision has been made for the satisfactory treatment and disposal of wastewaters by means of the proposed wastewater treatment system. The proposed development would, thereby, constitute an unacceptable risk of pollution of both ground and surface waters in the vicinity, which would be prejudicial to public health and the proper conservation of the environment. Accordingly, and notwithstanding the existing established use of the site, it is considered that the proposed development would be contrary to the proper planning and sustainable of the area.

2. Having regard to the nature of the proposed development, the structure of the existing building would be unsuitable for the accommodation of the proposed use as it would fail to contain noise and dust emission associated with the delivery and sorting of construction and demolition waste. Notwithstanding, the existing established use of the site it is considered that, the proposed development would seriously injure the amenities of the surrounding area and property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP ref. PL 07.234678 (PA ref: 09/1190): Permission refused following an appeal to the Board for a Materials Recovery Facility for the following reason:

The proposed development is located over a major aquifer of regional importance and high vulnerability and in close proximity to the Owenshee River which flows into the nearby Peterswell Turlough, a designated Special Area of Conservation. Having regard to the high-water table at this location and to the contaminated nature of the surface water run-off from the proposed materials recovery and vehicle repair activities within the site, the Board is not satisfied, on the basis of the submissions made in connection with the

planning application and appeal, that adequate provision has been made for the satisfactory treatment and disposal of wastewaters by means of the proposed wastewater treatment system. The proposed development would, thereby, constitute an unacceptable risk of pollution of both ground and surface waters in the vicinity, which would be prejudicial to public health and the proper conservation of the environment. Accordingly, and notwithstanding the existing established use of the site, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

ABP ref. PL 07.238380 (PA ref: 10/1607): Permission refused following an appeal to the Board for Change of use from an existing animal skin and hide curing and storage facility to a Materials Recovery Facility for the following reason:

The proposed development is located over a major aquifer of regional importance and high vulnerability and in close proximity to the Owenshee River which flows into the nearby Peterswell Turlough, a designated Special Area of Conservation. Having regard to the scale of the proposed development, the siting of the proposed wastewater treatment system within a confined and restricted area, the high water table at this location, the poor natural soil characteristics, and to the likely contaminated nature of surface water yard run-off from the proposed materials recovery activities, it is considered that adequate provision has not been made for the satisfactory treatment and disposal of foul wastewaters by means of the proposed wastewater treatment system and for the satisfactory treatment and disposal of surface waters by means of the intended surface water system. The proposed development would, thereby, constitute an unacceptable risk of pollution of both ground and surface waters in the vicinity, which would be prejudicial to public health and to the proper conservation of the environment. Accordingly, and notwithstanding the existing established use of the site, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Adjacent sites:

PA ref: 21/671: Permission granted to P. Stewart for a slatted shed 17/06/2021.

5.0 Policy and Context

5.1. National & Regional Policy

5.1.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework – Project Ireland 2040, which followed the National Spatial Strategy 2002-2020, is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is the stated policy of the NPF to make better use of under-utilised land and buildings, including infill, brownfield and vacant sites with higher density development.

Section 5 of the NPF deals with Planning for Diverse Rural Places and seeks to support the sustainable growth of rural communities to include development in rural areas and promoting new economic opportunities in the rural economy. This section of the NPF states that:

Creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline.

Section 5.4 deals with Planning and Investment to Support Rural Job Creation.

National Policy Objective 21 seeks:

Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

National Policy Objective 23 seeks:

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities,

while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.2. The Regional Spatial & Economic Strategy (RSES) 2020-2032

The Northern and Western Regional Assembly made the RSES on the 24th January 2020. The RSES provides the roadmap for effective regional development – it delivered a combination of response, design and innovation; in how business is conducted, homes delivered, communities built and land-use valued – creating healthy places and promoting sustainable communities.

The RSES introduced the concept of a Growth Framework to achieve this integration noting that regional growth cannot be achieved in linear steps. The RSES supports the implementation of the NPF and the relevant economic policies and objectives of Government, providing a 12-year strategy to deliver the identified changes necessary to achieve the Assembly's visions and objectives.

5.3. Development Plan

The Galway County Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. The subject site lies in a rural area. The CDP encourages the location of industrial and enterprise developments to operate from zoned lands within areas identified for such uses in the LAPs across the County. The following policies and objectives are considered relevant in this instance:

Core Strategy Objective: Objective CS 3 – Economic and Employment Development

Galway County Council shall encourage the development of mixed-use settlement forms, supporting economic and employment development at appropriate locations, ensuring the provision of a satisfactory quantum of zoned land for employment and industry purposes, and ensuring housing, employment uses and community facilities are located in close proximity to each other and to public transport corridors, where possible.

Settlement Strategy Objective: Objective SS 8 – Development of Rural Communities:

Galway County Council shall recognise the important role of rural communities to the sustainable development of County Galway and shall ensure the careful management of development in these areas, having due regard to the relevant policies and objectives set out elsewhere in the plan.

Economic Development Policies & Objectives:

Policy EDT 1 – Economic Development

Support sustainable economic development and employment creation in the County, while simultaneously having regard to relevant planning legislation and guidance in order to ensure protection of the built and natural heritage, landscape/townscape/streetscape character of settlements and the rural countryside and general amenity.

Policy EDT 2 – Employment, Economy and Enterprise Promotion & Partnership

Proactively pursue economic growth, enterprise and employment in the County in conjunction with the relevant state agencies and government departments in a manner that synchronises with the policies and objectives as set out in national, regional and local strategies.

Objective EDT 5 – Infrastructural Investment

Assist in obtaining the maximum efficiency of zoned lands in the County through continued support for the installation, maintenance, upgrade and extension of key water, wastewater, communications, energy and transport infrastructural networks.

Objective EDT 6 – Optimise the Benefits of Serviced Lands

Safeguard lands that are designated for the creation of employment from inappropriate development that would stifle prospective economic activity.

Objective EDT 7 – Align Enterprise to Serviced Lands

Encourage industrial and enterprise development to operate from lands zoned for these purposes within the various Local Area Plans in the County, subject to an adequate consideration of the policies and objectives of this plan and the need to protect the vitality and amenities of the town or settlement.

Objective EDT 11 – Rural Enterprise

Consider the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:

- Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);
- Scale of development (assimilate appropriately into a rural setting);
- Nature of development (raw materials sourced locally);
- Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);
- The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;
- Residential amenity (enterprise must not have a significant adverse impact on residential amenity).

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Slieve Aughty Mountains SAC (Site Code: 004168) which is located approximately 590m to the southeast of the subject site. The Sonnagh Bog SAC (Site Code: 001913) lies approximately 3.5km to the south, the Peterswell Turlough SAC (& pNHA) (Site Code: 000318) lies approximately 4.3km to the south-west and Lough Rea SAC (& pNHA) (Site Code: 000304) lies approximately 5.6km to the east of the site.

The site lies within 85m of surface water bodies which discharges to the Owenshree River.

5.5. EIA Screening

5.5.1. The proposed development involves:

- the demolition of an existing store (existing store building A - GFA: 1,073sqm) and associated tanks,
- external and internal alterations to an existing store including the construction of a ramp and dock leveller (existing store building B - GFA 1,367sqm).
- works also include for the installation of a new wastewater treatment system and the upgrade of the existing surface water management system,
- removal of an existing vehicular access and the creation of a new vehicular access point to the public road.
- the proposed development also includes appropriate landscaping as well as all associated site development works and services.

5.5.2. In accordance with section 172(1) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations, including sub-threshold developments where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.5.3. Having regard to the nature of the proposal before the Board, it is considered that the development does not fall within a class of development which requires mandatory EIA. Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a first party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal addresses the three reasons for refusal as follows:

Reason 1: Principle

- The proposed development comprises a small-scale storage and distribution hub to support the activities at the main base of operation.
- The site has a longstanding commercial use, which has fallen into disuse and commercial / industrial activity is long established at the site.
- The proposed development will result in the regeneration and reuse of a brownfield site and will provide employment for 8-10 people locally.
- The proposed development complies with the NPF and the Regional Economic and Spatial Strategy.
- The continued success of the Chanelle Pharma company is of critical importance to the town of Loughrea and the larger rural hinterland.
- The NIS and an Ecological Impact Assessment demonstrates that there will be no adverse impact on the surrounding area from an environmental perspective.
- A road safety audit and Traffic & Transport Assessment concluded that the proposed development will not impact the junction capacity.
- In response to the matter of material contravention cited in the reason for refusal, the applicant has presented a response, noting that the development plan, and Objective EDT 11 – Rural Enterprise, does not contain an express prohibition for the development type proposed. Objective EDT 11 is not a zoning objective and is a general objective dealing with economic development. The Council failed to take into account the previous industrial / commercial use at the site.

Reason 2: Residential Amenity

- In order to address this reason for refusal, a Noise Impact Assessment was prepared by ICAN Noise Consultants where the following conclusions were made:
 - During reduced traffic movements during COVID 19 restrictions, the baseline noise study shows that the local traffic noise still dominates the noise climate in the area.
 - The local road is used by cars, agricultural vehicles and HGVs associated with a local quarry 3.2km from the site.
 - Measurements demonstrate that in the worst-case scenario, noise levels from the development would be insignificant at the nearest residential property, the creche or primary school.
 - On-site noise assessment indicates that the noise generated is of no significance.
 - The assessment was able to detect existing noise emitting from the adjacent commercial milking parlour.

Reason 3: Historic environment

- In response to the concerns raised regarding the impact on nearby archaeology, the applicant submitted an Archaeological Impact Assessment prepared by Tobar Archaeological Services.
- The report concludes that the subject site does not contain any recorded monument but notes that the north-western area of the site is located within the zone of notification around adjacent recorded monuments.
- The proposed development is not considered to give rise to direct impacts to the recorded archaeological resource and are not considered to detract from the recorded monuments.
- As the site is already developed it is unlikely that in-situ topsoil survives.
- No direct impacts to potential sub-surface archaeology as a result of the development are identified.

The appeal requests that the Board overturns the decision of Galway County Council and grant permission for the development.

6.2. Planning Authority Response

None.

6.3. Observations

One observation is noted on the file from Mr. S. Stewart. The observation content reflects the concerns raised during the PAs assessment of the proposed development and is summarised as follows:

- Mr. Stewart agrees with the decision for refusal by GCC.
- The current facility has not been used for Skin and Hide curing and storage for the last 15-20 years, and the trade had died out even before that.
- The site has laid dormant for those 20 years with only minor use of the offices by Walsh Waste, and the lower yard and shed by a welding company in recent years.
- The statement that there is a well-established commercial use on the site is incorrect.
- The proposed use is not sustainable in its isolation from a main serviced industrial setting.
- The nature of goods and products to be stored, or the form in which they are stored – chemical based, liquid, gas, solid - at the site have not been identified.
- Environmental impacts associated with unknown spillages / leaks into the storm and foul water systems can therefore not be addressed.
- Site suitability issues raised and proximity to Natura 2000 sites.
- The location of the WWTP is raised as a concern as the area has been used for backfilling over the years giving rise to impacts to the local groundwater.

- The isolated nature of the site does not lend itself to the use proposed and increases the applicants carbon footprint. Has the applicant considered alternative locations?
- Impact of the development on residential amenity due to traffic, noise and extended hours as well as impacting on the observers' dairy herd.
- Questions the fact that the noise impact assessment was carried out during COVID restrictions which does not give a true reflection of the situation.
- Once permitted, it is not a given that there will be 2 HGV movements per hours. There is no evidence that once permission is approved that a second storage shed would be required.
- There were issues with the previous use at the site in terms of contaminated run-off onto observers' lands.
- The proposal does not address the possibility of a fire at the facility which is a concern given the unknown materials to be stored there.
- The planning history of the site indicates that the site is not suitable for a WWTP due to the high-water table and major aquifer of regional importance. The proposed development includes the WWTP in the same location it has previously been refused.
- Photos of excavations at the site showing the made ground and the high-water table are submitted.
- Given the poor state of the concrete yards an assessment of potential contamination of the soil underneath needs to be reviewed.
- The applicant has not addressed what is being proposed for the existing underground tank that addressed the runoff from the two hide curing sheds.
- The existing storm water system drains directly into the nearby tributary of the Owenshee River and directly to the Peterswell Turlough system.
- Yearly flooding occurrences at the junction of the main Loughrea-Gort Road N66 and Craughwell Road have not been addressed.

- Questions if there is a mains water supply. The existing facility is not on the Kilchreest water scheme serving the area. Previous owners tried unsuccessfully to sink a well in the south-east corner of the site.

It is requested that permission be refused.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing / previous uses on and in the vicinity of the site, the nature and scale of the proposed development, planning history and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards, the Development Plan & General Development Standards
3. Water Services
4. Roads & Traffic
5. Site Suitability Issues
6. Other Issues

7.1. Principle of the development

- 7.1.1. The appeal site is located in the open countryside of South Co. Galway, approximately 8.5km to the south-west of the town of Loughrea. Kilchreest Village lies approximately 2km to the north. The site is reasonably described as being brownfield in nature, give the presence of a number of buildings and structures which are not currently in use. It would appear that this site has been vacant for a number of years having been operating as a commercial entity for 30-40 years.
- 7.1.2. The proposed development seeks to change the former use of the site as a skin and hide store to a storage and distribution hub, including administration area, for Channelle Pet Unlimited. The main base of operations for this company, which is the

largest indigenous manufacturer of both human and veterinary generic pharmaceuticals in Ireland, is located in Loughrea, approximately 8.5km from the subject site. The company holds over 4,000 human and veterinary pharmaceutical licences across the world. The headquarters for Channelle Pharma is based in Loughrea and has been operating since 1985. The company made significant investment in its manufacturing capacity in 2018 with the opening of a purpose-built manufacturing facility in Loughrea.

7.1.3. In terms of the proposed development, I note that the facility will operate as a small-scale storage and distribution hub to support the main activities of the business taking place in Loughrea. 8-10 employees will be based at the site while the Loughrea base employs approximately 550 people.

7.1.4. In terms of the principle of the proposed development, consideration must be given to the history of the subject site. A business operated from this site for many decades and the subject site is currently falling into disrepair as a brownfield site. In terms of the proposed reuse of the site, and indeed the existing buildings on the site, I am generally satisfied that the principle of the proposed development can be considered as being acceptable.

7.1.5. There are, however, a number of issues which require to be addressed prior to a positive decision issuing, and the Board will note that there have been previous refusals associated for the redevelopment / reuse of this site in the past 12 years. While the nature of the refused development differs from that currently proposed, I will address the reasons for refusal further as part of this assessment.

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

7.2.1. The subject site is located in a rural area of Co. Galway. In the context of the NPF, a key objective is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. Section 5 of the NPF deals with Planning for Diverse Rural Places and seeks to support the sustainable growth of rural communities to include development in rural areas and promoting new economic opportunities in the rural economy, including Section 5.4 deals with

Planning and Investment to Support Rural Job Creation. The proposed development would provide job creation in the rural area.

7.2.2. The Galway County Development Plan 2015 – 2021, is the relevant policy document relating to the subject site. The CDP encourages the location of industrial and enterprise developments to operate from zoned lands within areas identified for such uses in the LAPs across the County. Of note, Objective EDT 7 seeks to Align Enterprise to Serviced Lands and states as follows:

Encourage industrial and enterprise development to operate from lands zoned for these purposes within the various Local Area Plans in the County, subject to an adequate consideration of the policies and objectives of this plan and the need to protect the vitality and amenities of the town or settlement.

7.2.3. Having regard to the rural location of the site, Objective EDT 11 – Rural Enterprise is relevant. The plan states that the Council will consider the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:

- Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);
- Scale of development (assimilate appropriately into a rural setting);
- Nature of development (raw materials sourced locally);
- Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);
- The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;
- Residential amenity (enterprise must not have a significant adverse impact on residential amenity).

7.2.4. In terms of the above, I would note that the site lies in an unserviced rural area, and the proposed development does not relate to agriculture, renewable and marine

resources, forestry, tourism, recreation or food production related enterprise activities and services. Chanelle Pharma are a medical / pharmaceutical company. The storage and distribution hub, albeit on a brownfield site, does not immediately fall within any of the above cited primary uses for such a rural location. I would accept that the scale of the proposed development is acceptable and would note that the existing structures on the site are to be used to accommodate the development. Other than amendments to the site roadside boundary to increase sight distance, there will be little changes arising from the reuse of the existing structures on the site.

- 7.2.5. In terms of the nature of the development and the requirement for raw materials to be sourced locally, I would note that the site does not propose a manufacturing facility. The product will continue to be created at the main facility in Loughrea and will be transported by road to the subject site for storage before distribution to the various markets. I note the submission in the appeal that as the product to be stored is manufactured in Loughrea, 8km from the site, it is considered that the materials required to operate the development are sourced locally.
- 7.2.6. The Board will note that other sections of Objective EDT 11 require a consideration of social and environmental impacts as well as road safety matters and residential amenity. I propose to address these issues in further sections of this report. However, in principle, I am satisfied that the proposed redevelopment of the subject site can be considered acceptable and in accordance with national and local policies and objectives.

7.3. Site Suitability & Water Services

- 7.3.1. In terms of site suitability, the Board will note that permission for development at this site previously was refused on three occasions on the grounds that the site is not considered suitable for the provision of an on-site wastewater treatment system due to the high-water table, the vulnerability of the regionally important aquifer and the proximity of the Owenshee River which flows into the nearby Peterswell Turlough SAC. I would also note that the previous proposal for the site, as a waste materials recovery facility, also raised issues in terms of the likely contaminated nature of surface water yard run-off. In this regard, the Board should be satisfied that all

previous issues relating to site suitability have been addressed if a positive decision is to issue.

- 7.3.2. Having considered the information provided with regard to the proposed development, I am satisfied that the applicant submitted a completed site assessment form regarding its suitability in terms of the treatment and disposal of wastewater generated on the site. The site assessment appears to have been carried out by a suitably qualified professional. The submitted plans identify the location of the existing septic tank system which currently serves the development at the site. The existing septic tank is to be de-sludged and decommissioned.
- 7.3.3. I would note that there is a lack of clarity in terms of the water supply serving the existing development at the site. While the application form indicates that there is an existing connection, it is not clear as to whether this is an existing connection to a well or the local group water scheme. I note that the Site Characterisation Form indicates that there is a connection to 'Public Mains', but the submitted site layout plans identify an 'existing well' to the south-east of the site, adjacent to the office building. I do accept however, that there is an existing supply serving the site.
- 7.3.4. The Site Assessment Report notes that the bedrock was not encountered in the trial pit, which was dug to 3m bgl. The assessment identifies that the site is located in an area where there is no Groundwater Protection Scheme and categorises the site as being a regionally important aquifer (Rk) with high vulnerability. A Groundwater Protection Measure of R2¹ is indicated. The topsoil is described as Bmm DW (Till derived chiefly from limestone) with subsoil being described as silty gravel with lots of cobbles. The bedrock type is Dinantian pure bedded limestones. The Board will note the content of the Site Characterisation Report and having undertaken a review of the planning history, I note that the proposed location of the WWTP has not changed since the previous applications.
- 7.3.5. *T tests were not carried out on the site for this assessment (previous assessments at the site recorded an average *T value of 24.67 and a *T result of 14.06 on 30th June 2010. No *T tests were carried out as part of earlier assessments due to water ingress. *P tests were carried out as part of the current assessment at the site at a level of 0.4m bgl, yielding an average value of 47.00 and a *P result of 14.33. In 2010, these results were 5 and 4.25 respectively. The water table was recorded at

1.4m below ground level but I note that the tests carried out in 2007 noted water ingress at 0.65m below ground level. The current site characterisation report concludes, recommending a packaged wastewater treatment system and polishing filter with trench at an invert level of 58.00m. The system will ultimately discharge to groundwater following the use of primary, secondary and tertiary treatment.

- 7.3.6. The submitted information indicates that it is intended to install a Tertiary Treatment System to deal with effluent arising from the existing offices. The new system will comprise a Tricel Novo IRL8 Treatment unit (Primary and Secondary Treatment) followed by 3 no. Tricel Puraflo modules discharging to a gravel distribution area (Tertiary Treatment). To further protect the groundwater, it is proposed to place a 300mm layer of imported topsoil with a T-value of 5-20 under the gravel distribution layer. The treatment system is design for an organic loading of 60g BOD/p/day and a hydraulic loading of 150l/p/day. The proposed gravel distribution area necessary is calculated at 12.25m² and it is proposed to provide an area of 22m² in order to negate any risks of contamination of groundwaters.
- 7.3.7. In terms of the planning history of the site, including the previous assessments, I note that the area of the site where the WWTP is proposed to be located appears to be made ground and has been an area where the Board have previously considered inappropriate. Issues relating to the previously observed high water table are not allayed by the current proposal and I note that previous proposals also provided for raised polishing filters as well as tertiary treatment. Of particular concern, is the issue of the high-water table previously recorded on the site. While the current assessment indicates that the water table was recorded at 1.4m bgl, and as no photographs of the test hole were included with the Site Characterisation Form, I have outstanding concerns that seasonal fluctuations are not considered in the overall design of the system. That said, I would acknowledge that the proposed system when compared with the existing system which is currently in place at this site would clearly represent a significant improvement to the treatment of wastewater prior to discharge to groundwater.
- 7.3.8. In terms of the submitted details, the Board will note that no photographs of trial holes or *P tests have been provided and I could not access the site during my site inspection to confirm their presence or otherwise. In the context of the above, I have concerns that the full picture of the situation on the site has not been portrayed.

Therefore, and notwithstanding the submitted details, I am not satisfied that the site appears capable of accommodating the development in the context of wastewater treatment and disposal.

- 7.3.9. With regard to surface water the development proposes to install a sustainable drainage system in the form of a Stormbreaker Water Attenuation, Infiltration & Soakaway system. It is further proposed to install a Kingspan bypass interceptor on the storm water sewer pipe prior to final discharge to the system. While I note that third parties have referred to yearly flooding occurrences at the junction of the main Loughrea-Gort Road (N66) and the Craughwell Road, I note no objection from Galway Co. Co. to the proposed development in this regard. I also note that the site is not located within an area identified as being at risk of flooding. The nature of the development before the Board is for the change of use of existing structures.
- 7.3.10. I refer the Board to the previous decisions in relation to development at this location and the concerns relating to the impact of the development in terms of the potential risk of ground and surface water pollution and the impacts on the SAC. I have considered all of the information presented on the file, including the submitted NIS (which I address further below in Section 7.6 of this report) and I am not satisfied that the subject site has been adequately assessed to show that it is capable of accommodating the proposed development in terms of the treatment and disposal of wastewater arising from the proposed development. I am further concerned that the issues raised in the previous Board decisions in this regard, have not been alleviated and therefore, I am satisfied that the development, if permitted, is likely to result in a public health hazard or impact on the quality of ground or surface waters in the area.

7.4. Roads & Traffic

- 7.4.1. The applicant submitted a Traffic & Transport Assessment, prepared by Alan Lipscombe Traffic and Transportation Consultants Ltd., as well as a Stage 1 Road Safety Audit, prepared by Bruton Consulting Engineers, as part of the planning application. The report seeks to address a number of traffic and transport related issues and sets out the methodology employed with the key findings summarised in Chapter 8, concluding that surrounding road network, including junctions, were established to operate within capacity up to the design year 2038 with the proposed development in place. The development access junction is designed in accordance

with current TII and Galway County Development Plan guidelines and the assessment concludes that the proposed development will be adequately accommodated by the existing local highway network.

7.4.2. The subject site is located to the north of the L4219 local road approximately 140m to the west of the junction with the R380 (former N66). Kilchreest school is located to the east of this junction. The speed limit in the vicinity of the site is 80km/ph and there is a solid white line in the centre of the road in front of the site. A 24hr classified traffic count survey was undertaken at the existing junction of the R380 and L4219, through which all traffic associated with the development will be required to negotiate. The survey was undertaken on the 3rd September 2020 and the full details of results are presented in the report. The survey found:

- The AM peak hour is 09.00-10.00 and the PM peak hour is 17.00-18.00.
- 2-way traffic volumes on the L4219 were observed to be low during both peak hours, with flows observed to be slightly higher during the AM peak hour (72 cars / LGVs and 3 HGVs) compared to the PM peak hour (63 cars / lgvs and 2 HGVs).
- Traffic volumes on the R380 were also observed to be relatively low during peak hours with 2-way flows of 190 cars/ LGVs and 14 HGVs during the AM peak and 230 cars/ LGVs and 9 HGVs during the PM peak hour.

These traffic counts were used as the base flows for the purpose of the junction capacity tests.

7.4.3. In terms of traffic generated by the proposed development, and the figures for the opening year of 2022 and future year at 2037, the applicant applied the annual growth indices and cumulative growth forecasts for County Galway updated in 2019 by the TII. Based on these factors, traffic is forecast to grow by +5% between 2020-2022 and by +39% between 2020-2037 for cars and light vehicles. The corresponding growth rates for HGVs are forecast to be +9% between 2020-2022 and +77% between 2020-2037. The assessment is based on these growth forecasts.

7.4.4. There will be up to 10 staff working on the site during the day, with 2 shifts operating between 07.00-21.00. The assessment assumes that 5 staff members will arrive during the AM peak hour and 5 will arrive and 5 will leave during the PM peak hour,

with the remaining 5 staff members leaving between 20.00-21.00. It is expected that there will be up to 10 visitor trips to the site in a week, resulting in 2 trips per day and with respect to deliveries, it is forecast that 56 HGV trips will travel to and from the site per week, translating to a maximum of 11 goods vehicles trips per day.

- 7.4.5. At the peak hours, the proposed development is estimated to give rise to 7 cars and 4HGVs (2-way) trips during the AM peak hour and 12 cars and 4 HGVs (2-way) trips during the PM peak hour. With regard to traffic assignment, all HGV trips will travel to and from the site via the R380, to be enforced by the facility once operational. To test the worst-case scenario, all staff and visitor movements are also assumed to pass through this junction. Traffic flows are converted to PCUs (Passenger Car Equivalent Units) to test junction capacity.
- 7.4.6. With regard to parking, 12 standard parking spaces, as well as an accessible space are proposed within the site. An Autotrack assessment, presented in Appendix D, has been undertaken for an estate type car and a large artic HGV with an overall length of 15.4m. Following a query raised in the RSA, a further assessment was undertaken for the maximum legal artic HGV with a length of 16.5m. The assessment indicates that the subject site layout can accommodate the development in this regard.
- 7.4.7. In terms of the impact on the local road network, the report notes that the percentage increase on the L4219 as a result of the proposed development is high in terms of HGVs, this is as a result of the existing flows being low. The daily increase in HGVs between the R380 and the site will rise from 40 to 62 movements per day. The worst-case scenario of a 2-way flow of 129 PCUs on the local road and 369 PCUs on the R380 however, represents a relatively low volume of traffic.
- 7.4.8. Given that the forecast increase in traffic volumes is +10% and +5%, a detailed capacity assessment was undertaken for the R380 / L4219 junction. The results of the modelling suggest that in each of the years assessed, the additional traffic generated by the development will not give rise to queues at the junction with the maximum delay estimated to be 0.17 minutes (10 seconds). This delay will apply to the right turn from the L4219 during the PM peak hour and will occur for both the with or without the development scenarios. I am satisfied that the proposed development

can be accommodated in terms of the existing roads infrastructure and will not adversely impact the existing roads in terms of traffic flows or capacity.

- 7.4.9. The TTA notes the rural location of the site and suggests that travel to work on foot is not viable for staff. The site is within cycling distance from Loughrea and Gort and therefore, cycling may be considered a viable mode of sustainable transport. The report recommends that shower and changing facilities are provided for staff who will cycle to the site and 6 covered bicycle stands should be provided to encourage this mode of travel where viable. The report also notes that the site is not serviced by a public bus service.

Stage 1 Road Safety Audit

- 7.4.10. A Road Safety Audit was prepared by Bruton Consulting Engineers which raise 4 issues as follows:

- An event where a HGV arrives at the site with the gates closed. Such an occurrence would require the HGV to wait on the L4219.
 - The applicant confirmed that site staff will be present on the site before the first and after the last delivery to ensure the gates are open for the arrival of all traffic.
- The finish of the area identified as the widened verge to provide for the 3m x 120m visibility splay to the west of the junction and a concern that foliage within the splay could result in blocking the splay¹.
 - The applicant confirmed that area will comprise of grass which will be cut on a regular basis all year round.
- Potential for surface water from the development entering the L4219 and risk of ponding at the access junction.
 - The applicant submits that a drainage system has been developed for implementation.
- The swept path analysis did not detail whether the access junction and site layout would accommodate a maximum legal artic HGV.

¹ The Board will note that this was raised as a concern by the Councils Traffic and Transport Department also. In the event of a grant of permission the maintenance schedule for this area should be the subject of a specific condition, to be agreed with the PA.

- A swept path analysis for a maximum legal artic HGV was carried out showing that same can be accommodated.

7.4.11. Having regard to all of the information presented in terms of the proposed development, together with the third-party submissions to the PA and to the Board, I would acknowledge that the existing level of traffic on these local roads is quite low. I also acknowledge the history of the site in terms of commercial activity and having regard to the details presented, overall, I am satisfied that the proposed development is acceptable in terms of roads and traffic.

7.5. Other Issues

7.5.1. Archaeological Impacts

The Board will note that the Planning Authority included a reason for refusal in their decision in the context of the impact of the development on nearby archaeology. Potential visual impacts were deemed to arise in terms of the roadside intervention works required to provide for adequate sight lines at the entrance to the site. The applicant has included an Archaeological Impact Assessment as part of their appeal. This assessment sets out the scope of the report and provides details of the project team, as well as setting out the statutory context, planning requirements and assessment methodology.

Section 5 of the Assessment sets out the existing environment, noting that there are no recorded or national monuments located within the proposed development site. The adjacent tower house GA 104-127---- is noted as being subject to a Preservation Order (No. 2/1997) and the associated bawn wall GA 104-127001- which would have originally surrounded the tower house is also subject to the Preservation Order. In terms of the subject appeal site, the Board will note that it lies approximately 47m from the site and is partially located within the Zone of Notification around these structures. This Zone includes the area where the proposed WWTP is to be located as well as the western area of the storage shed for which the change of use is sought.

The AIA considers the potential impacts associated with the development in Section 6 of the report in terms of construction impacts and operational impacts. In terms of

the construction phase, the report notes that given that the subject site is wholly developed, it is unlikely that any in-situ topsoil is present and no direct impacts to potential sub-surface archaeological sites or features are identified. No additional negative visual effects on the nearby archaeological resource are identified as a result of the change of use of the existing structure. The report also notes the proposal to reduce the height of the existing boundary wall and the construction of a new wall inside the existing boundary wall and further east of the tower house and bawn.

I would note that there is no reference in the assessment as to the potential impacts in terms of the installation of the WWTP. Should the Board be minded to grant permission in this instance, I recommend that a condition requiring that the works to this area of the site – identified in Appendix 1, Plate 9 as ‘Vacant space in north-western corner of site’ – be monitored by a suitably qualified archaeologist. I have no objections to the proposed development in terms of visual impacts on archaeology.

7.5.2. Visual & Residential Amenity Impacts

The Board will note that the proposed development is seeking to reuse existing structures on the site and will, effectively, bring back to use, an existing brownfield site which is beginning to fall into disrepair. In the context of visual impacts associated with the proposed development, the works proposed might reasonably be construed as improving the current situation at the site. With regard to the roadside boundary works, I am generally satisfied that there are no visual impacts arising in the event of a grant of planning permission in this instance.

The impacts of the proposed development on residential amenity are discussed in the third-party observation to the appeal. I would note that since the Skin & Hide Curing and Storage facility ceased operation at the site, the level of commercial activity is low. As such, the proposed use of the site as a storage and distribution hub will increase activity at the site. The implication of increased activity has potential to impact on the existing residential amenities of the adjacent property due to increased noise levels and traffic on the public road network. While I note the submission of the third-party in this regard, I would accept that the site has been used for commercial purposes for many years, including purposes which would have given rise to HGV type traffic. I have addressed the roads and traffic issues above.

With regard to noise impacts associated with the proposed development, I would note that the residential part of the adjoining property is located approximately 100m from the entrance to the site. Between the house and the subject site, there is an access road which runs from the local road and provides access to the third-party farmyard and lands and the single storey office building associated with the application site forms the western boundary of the farm. I am satisfied that the ongoing use of this building is acceptable. The proposed development will also see the removal of the second large shed on the site, which is located centrally on the appeal site.

The applicant, in response to the concerns regarding impacts on residential amenity, submitted a Noise Impact Assessment. It is noted that there will be no processing of goods at the site and therefore, the noise associated with plant is absent, other than the heating system. The Assessment undertook a baseline study and noted the commercial dairy farm immediately adjacent to the site and associated with the residential property. Noise sensitive locations were identified to include houses and the national school and creche. Two noise monitoring stations were identified, and I note that due to Covid restriction, the assessor scheduled 5 no. articulated HGV arrivals and departures from the site over a 30-minute period in an effort to represent a more likely operational scenario. The assessment considers the noise associated with this and traffic arising from the development.

Noise modelling carried out for the assessment is indicated as representing a 'worst case scenario' and the predicted noise change arising are predicted to be insignificant. This is due to the existing noise environment associated with the local road network. The report concludes that the likely impact of noise on residential amenity will be insignificant and that the nearest noise sensitive receptor is located closer to the milking parlour and its associated noises. I consider this to be a reasonable conclusion, based on the assessment undertaken.

In addition to the above, I note that the proposed development will operate between 07:00 and 21:00. The development will not operate over night and therefore, there will be no impact to residential amenity at these times.

Overall, I am satisfied that the proposed development, if permitted, is acceptable in terms of the potential impacts on existing residential amenity.

7.5.3. Bat Survey

The Board will note that the applicant undertook a bat survey to establish the potential of the development to impact on bats at the site, particularly with regard to the demolition of the shed and the refurbishment of a second shed. The assessment notes that all bat species are protected under the European Habitats Directive (92/43/EEC) and are listed on Annex IV of the directive. The lesser horseshoe bat is also listed on Annex II of the directive.

A daytime survey was carried out on the 28th of July 2020 to establish the suitability of habitats at the site for foraging and community potential as well as roosting. Inspections of the existing buildings were carried out under licence. A night-time detector survey was also carried out on this date which commenced 15 minutes before sunset and finished 1.5 hours after sunset. Optimal conditions existed for the bat survey.

The results of the survey are presented in Section 4 of the submitted report and the following is considered to be of note:

- Habitats at the site consist primarily of built surfaces and buildings and there is very little woody vegetation. A short immature treeline at the north-east corner of the site was categorised as offering low suitability for foraging and commuting as it is poorly connected to the wider landscape.
- Immature trees did not contain any potential roost features.
- Both the building to be demolished and to be refurbished are described and it is noted that as there was no felt lining under the galvanise roof, there was no potential space or crevice for bats to roost in either building. The corrugated roof also allows for greater temperature fluctuation which is prohibitive for roosting bats.
- No signs of bats were recorded within or adjacent to the buildings.
- These buildings are assessed to have negligible suitability for roosting bats.
- The single storey office building was also assessed, and the survey found no evidence of bats either externally or internally.

- Bat activity in the area was found to be low and no bats were recorded entering or exiting the building.

Common pipistrelle, Leisler's bat and *Myotis* species were recorded in the surrounding area. No mitigation is required.

7.5.4. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 **Appropriate Assessment**

8.1. **Introduction**

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site.
- 8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. Screening for Appropriate Assessment

- 8.2.1. The applicant prepared an Appropriate Assessment Screening Report which included a summary of the receiving environment and noted that the development is not directly connected or necessary to the management of a European Site. Table 4-1 of the AA Screening Report identifies the details of Natura 2000 Sites within the likely zone of influence, including the qualifying interests / Special Conservation Interests for which each site is designated. Each site was examined in the context of location in terms of the zone of Influence of effect from the proposed development and categorised into screened in and screened out for AA purposes.
- 8.2.2. The AA Screening Assessment concludes that the following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable. I concur with the applicants' determination in relation to the following 22 Natura 2000 sites:

Site Name	Site Code	Distance to Site	Assessment
Slieve Aughty Mountains SAC	004168	0.75km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species anticipated.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Sonnagh Bog SAC	001913	3.6km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Lough Rea SAC	000304	5.7km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in a separate surface water catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Lough Rea SPA	004134	5.7km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p>

			<p>No disturbance to species anticipated.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in a separate surface water catchment.</p> <p>Screened Out</p>
Rahasane Turlough SAC	000322	7.8km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate surface water and separate groundwater catchments.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Rahasane Turlough SPA	004089	7.8km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate surface water and separate groundwater catchments.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>

<p>Castletaylor Complex SAC</p>	<p>000242</p>	<p>8.4km</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
<p>Carrowbaun, Newhall and Ballylee Turloughs SAC</p>	<p>002293</p>	<p>8.4km</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>This SAC is linked to both the Peterswell Turlough SAC and the Lough Coy SAC where there is interchange (sometimes daily) between Peterswell Turlough and Lough Coy and Ballylee. However, the site has been screened out as there are no direct links to the subject site.</p> <p>Screened Out</p>
<p>Ardrahan Grassland SAC</p>	<p>002244</p>	<p>9km</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No pathways for direct or indirect effects.</p>

			Screened Out
Ballinduff Turlough SAC	002295	9.4km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Kiltiernan Turlough SAC	001285	11.2km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Lough Fingall Complex SAC	000606	11.5km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>

Coole-Garryland Complex SAC	000252	11.6km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Coole-Garryland Complex SPA	004107	12km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Kiltartan Cave (Coole) SAC	000286	12.4km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>No loss or alteration of habitats.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>

Drummin Wood SAC	002181	13.7km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No loss or alteration of habitats.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Cahermore Turlough SAC	002294	13.7km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Galway Bay Complex SAC	000268	13.9km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Inner Galway Bay SPA	004031	14.1km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p>

			<p>There is no surface water, groundwater or underground features connecting the sites.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Lough Cultra SAC	000299	14.3km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Caherglassaun Turlough SAC	000238	14.3km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>There is no surface water, groundwater or underground features connecting the sites and the Natura site is located in separate groundwater catchment.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Lough Cultra SPA	004056	14.3km	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No disturbance to species anticipated.</p> <p>There is no surface water, groundwater or underground features connecting the sites.</p>

			No pathways for direct or indirect effects. Screened Out
--	--	--	--

8.2.3. The Screening Report identified the Natura 2000 sites within 15km of the subject site, and screened in 2 sites, for the purposes of AA Screening, including as follows:

- Peterswell Turlough SAC (& pNHA) (Site Code: 000318) which is located approximately 4.3km to the south-west of the site.
- Lough Coy SAC (Site Code: 002117) which lies approximately 7.8km to the east of the site.

8.2.4. It is noted that the site is located outside both SAC sites and therefore there is no potential for direct effects. There are no water courses within or immediately adjacent to the subject site and no direct connectivity between the sites. The proposed development site is however, located within the same groundwater catchment (GWDTE Coy Turlough) as the Natura Sites and there is potential for the development to give rise to deterioration of groundwater quality. Potential significant effects cannot therefore be excluded in relation to these sites and a Stage 2 AA is required.

8.2.5. In terms of AA Screening, the following table summarises the potential significant effects in view of the conservation objectives of those sites.

AA SCREENING: European Sites for which there is a possibility of significant effects				
Site Code	Site name / Distance to site	Habitat Loss / Modification	Water quality and water dependant habitats	Disturbance
002117	Peterswell Turlough SAC 4.3km to the south-west of the subject appeal site	No No habitat loss arising from proposed development. No surface water bodies connecting the development site and the SAC.	Yes <ul style="list-style-type: none"> • Turloughs [3180] • Rivers with muddy banks with Chenopodium rubric p.p. and Bidention p.p. vegetation [3270] The SAC is located within the same groundwater catchment (GWDTE Coy Turlough) as the Natura Site and there is potential for the development to give rise to deterioration of groundwater quality.	No Significant habitat or species fragmentation impacts are not foreseen.
000318	Lough Coy SAC 7.8km to the east of the subject appeal site	No No habitat loss arising from proposed development. No surface water bodies connecting the development site and the SAC.	Yes <ul style="list-style-type: none"> • Turloughs [3180] The SAC is located within the same groundwater catchment (GWDTE Coy Turlough) as the Natura Site and there is potential for the development to give rise to deterioration of groundwater quality.	No Significant habitat or species fragmentation impacts are not foreseen.

8.3. Conclusion on Stage 1 Screening:

- 8.3.1. Based on my examination of the AA Screening report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed development and the European site, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would concur with the conclusion of the applicants AA Screening, that a Stage 2 Appropriate Assessment is required for only the two European Sites referred to above, that being the Peterswell Turlough SAC (Site Code: 000318) and Lough Coy SAC (Site Code: 002117).
- 8.3.2. The remaining sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and the lack of substantive hydrological and ecological pathways between the proposed works and the European Sites. It is therefore reasonable to conclude that 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 remaining European Sites within the zone of influence of the subject site. In view of these sites' conservation objectives a Stage 2 Appropriate Assessment is not required for these sites.

8.4. Natura Impact Statement

- 8.4.1. The application was accompanied by a Natura Impact Statement (NIS, undated –the site survey was carried out on the 28th of July 2020). The submitted NIS concluded, having regard to information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, two European Sites were considered relevant to include for the purposes of screening for Stage 2 Appropriate Assessment on the basis of likely significant effects, those being:

- Peterswell Turlough SAC (& pNHA) (Site Code: 000318) which is located approximately 4.3km to the south-west of the site.
- Lough Coy SAC (Site Code: 002117) which lies approximately 7.8km to the east of the site.

8.4.2. The AA Screening Report and NIS identify the relevant Natura 2000 sites that have the potential to be affected by the proposed development, presents a description of the proposed development and identifies other projects or plans or activities in the vicinity. The NIS outlines the assessment methodology employed to identify and assess the potential impacts on habitats and species identified as qualifying interests of a number of European Sites and their conservation objectives, including cumulative / in-combination impacts. The NIS sets out mitigation measures and addresses potential residual impacts on the European sites.

8.4.3. Having reviewed the revised NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are summarised in Section 5.2 of the NIS. The NIS concludes that, provided the mitigation measures are implemented in full, it is considered that the proposal will not adversely affect the integrity of any of the European Sites considered in the report including:

- Peterswell Turlough SAC (& pNHA) (Site Code: 000318).
- Lough Coy SAC (Site Code: 002117).

I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

8.5. Consultations and Observations

8.5.1. In the course of the assessment of the proposed development, the following consultations and third-party submissions were considered as they relate to AA:

The **Environment Section** of Galway County Council requested that in the event of a grant of planning permissions that the following be considered:

1. All mitigation measures highlighted in Section 5.2 of the NIS must be adhered to.

2. The Tertiary WWTP is to be maintained properly with a maintenance contract agreement put in place at all times, so it poses no risk to groundwater quality.
3. The existing septic tank needs to be desludged by a registered contractor and then decommissioned.

Third Party Submissions:

8.5.2. Two third party submissions were made to the Planning Authority in the course of its assessment of the proposed development and one observation was submitted to the Board. The submission to the Board makes reference to the planning history of the site and notes that the site is not suitable for a WWTP due to the high water-table and major aquifer of regional importance. It is also noted that the existing storm water system drains directly into the nearby tributary of the Owenshee River and directly to the Peterswell Turlough System. All of the observations, submissions, appeal submissions and technical reports from departments of Galway County Council and prescribed bodies are considered as part of this appropriate assessment.

8.6. Stage 2 Appropriate Assessment

8.6.1. The Qualifying Interests for the relevant European Sites are set out below.

European Site	Qualifying Interests
Peterswell Turlough SAC (Site Code: 000318)	Turloughs [3180] Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i> p.p. vegetation [3270]
Lough Coy SAC (Site Code: 002117)	Turloughs [3180]

Peterswell Turlough SAC (Site Code: 000318)

The Peterswell Turlough SAC is located approximately 4.2m to the south-west of proposed development site. The NPWS Site Synopsis for the SAC notes that this elongated turlough, running north-east to south-west lies parallel to the Peterswell-Castledaly section of the Gort-Loughrea road in Co. Galway. The surrounding land is gently rolling and drift-covered.

The site can be divided into two main sections linked by a narrow-wooded valley at Limepark: Blackrock or Peterswell Turlough which is confined to a deep circular basin at the south-western end, and to the north, Bullaunagh, a broader valley which also floods in winter. Bullaunagh itself can be divided into two parts, the northern part which at times of low flood is a waterbody with swallow holes separate from Peterswell, and the southern broad valley which tends to flood from rising water levels at Peterswell. The site is the lower valley and sink for the Kilchreest River, with a tributary from Castledaly. The Bullaunagh wetlands are eutrophic and much used for grazing.

Three rare plant species, listed in the Irish Red Data Book, occur at the site. Mudwort colonises muddy areas around the turlough, Northern Yellow-cress is found in poached areas where water stands only in the winter and Fen Violet is found in damp unimproved grassland subject to periodic inundation. Mudwort is also listed under the Flora (Protection) Order, 1999.

When flooded the site supports a good diversity of wintering waterbird species, including both grazing and diving ducks, which utilise every part of the site depending on the flood levels. At times of high flood, the bird population spreads out to the middle section of this site. At times of lower flood, the middle section is not flooded and Bullaunagh in the north and Peterswell in the south are separate bodies of water holding separate populations of waterfowl.

Peterswell Turlough is a large and important site which shows an excellent range of vegetation along the turlough-callow gradient and includes a summer-dry turlough filled by a river. Further, Peterswell Turlough is part of a complex of turloughs running down to Lough Coy and Ballylee.

Detailed Conservation Objectives for the Peterswell Turlough SAC are not included in the NPWS Conservation Objectives Series for the site, dated March 2021, with the

generic overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.

Lough Coy SAC (Site Code: 002117)

The Lough Coy SAC is located approximately 7.8km to the south-west of proposed development site. The NPWS Site Synopsis for the SAC notes Lough Coy is situated approximately 6.5 km north-east of Gort in Co. Galway and lies close to the Slieve Aughty hills. The site consists of a small permanent lake in the middle of an almost circular turlough basin. There are drift deposits, as well as outcropping rocks and boulders on the relatively steep side walls, and small areas of scrub towards the top of the basin. Areas of improved grassland above the normal flood line are included in the site for hydrological reasons.

During the winter the fluctuation in levels is extreme and there are no emergent plants in the lake. The turlough experiences a large throughput of water and is dependent on the flows in the tributaries of the Coole River. Lough Coy is an excellent example of a 'riverine' type of turlough and is in essence the floodplain of an underground river. In summer the area which is under water contracts to a degree depending on the prevailing weather. Mud is often exposed, and splits into polygonal plates. This is the habitat for a variety of specialised plants such as Mudwort (*Limosella aquatica*), Needle Spike-rush (*Eleocharis acicularis*), Northern Yellow-cress (*Rorippa islandica*) and the liverwort *Riccia cavernosa*.

Lough Coy is part of a complex of small sites (along with nearby Blackrock, Ballylee and Bullaunagh turloughs) which supports a nationally important population of Whooper Swans and regionally/locally important numbers of several duck and wader species. Birds move frequently between the various sites in response to water levels and disturbance. Lough Coy is often one of the few sites in the district which holds water in late summer and autumn, and consequently it is of importance for post-breeding birds and early autumn arrivals.

Of particular note is the occurrence of three Red Data Book plant species at this site - Mudwort, Fen Violet and Northern Yellow-cress.

The main land use within the site is cattle grazing which is quite heavy at the lake margins and on parts of the slopes. There is some removal of gravel from the drift deposits on the north-western edge.

Lough Coy is an excellent example of a eutrophic (nutrient-rich) turlough. The extreme water fluctuation supports a distinctive zonation of vegetation and provides many niches for specialist plants. It is an important site for wintering waterfowl.

The Board will note that the submitted NIS indicates that detailed site-specific Conservation Objectives were not published at the time of writing for this site and therefore, only generic Conservation Objectives are available. In the interim, detailed Conservation Objectives for the Lough Coy SAC (Site Code 002117) were included in the NPWS Conservation Objectives Series for the site, dated 22nd January 2021, with the overall objective being to restore the favourable conservation condition of Turloughs in Lough Coy SAC, the Annex I habitat for which the SAC has been designated. The COs seek to maintain appropriate natural hydrological regime necessary and to restore appropriate water quality to support the natural structure and functioning of the habitat.

8.7. Potential Significant Effects

8.7.1. Potential significant effects of the proposed development on qualifying features are considered in section 5 of the NIS. As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: There shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Water Quality: The proposed development has the potential to cause a deterioration in groundwater quality during the construction and operation through the release of pollutants such as hydrocarbons and increased nutrients. There is potential for increased nutrients being released from the septic tank decommissioning and hydrocarbon spillage or leakage from machinery operation during the construction phase. There is potential for increased nutrients entering groundwater through wastewater and increased

hydrocarbons entering groundwater from surface water drainage during the operational phase. Impacts to groundwater quality has the potential to adversely affect the identified SACs in the absence of mitigation.

- **Disturbance and / or displacement of species** – As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts.

8.8. Mitigation Measures

8.8.1. Mitigation measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. The NIS notes that the project design and identified mitigation measures have been designed to protect water quality and prevent adverse effects on the QIs of the European Sites.

8.8.2. Mitigation: Construction Phase –

- The existing septic tank system and any underground storage tanks will be desludged and emptied by a licenced contractor prior to being decommissioned.
- Refuelling and lubrication of plant will be carried out at a dedicated bunded area of the site with contained run-off by trained and competent personnel.
- Fuels, oils and lubricants will be stored in a bunded area.
- Plant will be inspected daily.
- Oil spill response kits, spill kits and drip trays will be available.
- Absorbent floating oil booms will be maintained on site in case of oil spills into water.
- Waste oils and hydraulic fluids will be collected in leak-proof containers.
- All construction waste material will be stored on site prior to removal to a licenced waste facility.

8.8.3. **Mitigation: Operational Phase –**

- A SuDS surface water drainage system has been included in the project design.
- It is proposed to install a water attenuation and soakaway system to deal with storm water from buildings and hard surfaces.
- The system will include a bypass interceptor which will intercept hydrocarbons and silt.
- A tertiary wastewater treatment system will service the development and will be installed and operated in accordance with the EPA Code of Practice.

8.9. **Assessment & Conclusion on Potential Significant Effects**

8.9.1. The Board will note the information submitted in support of the proposed development. The reports considered in my Appropriate Assessment include the NIS, the site characterisation report and Civil Works report, as well as the Bat Survey and Traffic & Transport Assessment. The NIS considers the potential impacts to the targets and attributes associated with conservation objectives for the European Sites, and I have noted that since the writing and submission of the NIS, the NPWS have published site specific Conservation Objectives for the Lough Coy SAC. The NIS includes details of mitigation measures which include all aspects of the decommissioning of the existing septic tank system and underground storage tanks, as well as the management plan for fuels, oils and lubricants.

8.9.2. In terms of potential impacts on habitats and species, the Board will note that the site is not located within any designated Natura 2000 site. The proposed development will not result in the direct loss of habitat protected under the EU directive. Impacts on Annex I habitats associated with the Peterswell Turlough SAC and the Lough Coy SAC potentially arise due to changes to water quality due to the construction, operation and decommissioning phases of the development.

8.10. **Cumulative & In Combination Effects**

8.10.1. The NIS (section 6) includes an assessment of the potential cumulative / in-combination effects of other plans and projects within the vicinity of the site. on the

date of the writing of the NIS, one planning permission granted by Galway County Council within the townland of Eskershanore in the past five years was noted. This was for the construction of a machinery shed/hay shed and create a farmyard with access through the existing roadway approved under planning reference no. 04/45.

8.10.2. Since the lodging of the subject application and appeal, planning permission has been granted to Mr. P. Stewart for the construction of a slatted shed within the existing farmyard which adjoins the subject site to the east. This decision issued on the 17th June 2021, PA ref: 21/671 refers.

8.10.3. No EPA licenced activities are noted as occurring within the same groundwater catchment and no significant cumulative or in-combination impacts are identified predicted.

8.10.4. Having regard to the information set out in therein, I am satisfied that no cumulative impacts arise. I consider the information submitted to the Board is adequate and is sufficient to enable the Board, as the Competent Authority, to carry out an assessment of potential in combination effects for the purposes of Appropriate Assessment.

8.11. Residual Impacts

8.11.1. Residual impacts are impacts that remain, once mitigation has been implemented, or impacts that cannot be mitigated. No residual impacts are anticipated subject to the implementation of the mitigation measures detailed above.

8.12. Overall Appropriate Assessment Conclusion

8.12.1. In the interests of protecting the conservation objectives of the European Sites, mitigation measures are proposed in section 5 of the submitted NIS as part of the proposed development. Mitigation measures are proposed for both the construction and operational phases of the development and on implementation, it is submitted that there are no likely residual negative impacts on the identified Natura 2000 sites. It is concluded that the proposed development will not have a significant adverse effect on the integrity of the Natura 2000 Network.

8.12.2. Having regard to the brownfield nature of the subject development site, the nature of the proposed development and its location within the rural area, together with the details presented in the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following Natura 2000 sites, or any other European site, in view of the sites Conservation Objectives:

- Peterswell Turlough SAC (& pNHA) (Site Code: 000318).
- Lough Coy SAC (Site Code: 002117).

9.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reason.

10.0 Reasons and Considerations

The proposed development is located over a major aquifer of regional importance and high vulnerability and in close proximity to the Owenshee River which flows into the nearby Peterswell Turlough, a designated Special Area of Conservation. Having regard to the planning history associated with the site, the siting of the proposed wastewater treatment system within a confined and restricted area, the high water table at this location and the poor natural soil characteristics, it is not considered that adequate information or assessment has been provided to address the Boards previous concerns relating to site suitability and that provision has not been made for the satisfactory treatment and disposal of foul wastewaters by means of the proposed wastewater treatment system.

The proposed development would, thereby, constitute an unacceptable risk of pollution of both ground and surface waters in the vicinity, which would be prejudicial to public health and to the proper conservation of the environment. Accordingly, and notwithstanding the existing established use of the site, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

23rd June 2021