



An  
Bord  
Pleanála

## Inspector's Report ABP-309829-21

<b>Development</b>	Development of a car park and all associated site works.
<b>Location</b>	Coill Rua Thair, Inverin, Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	20/1025
<b>Applicant(s)</b>	Mylan Teoranta
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Michael Mór Breathnach
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26th January 2022
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 4.21 hectares and is located to the rear (north) of the Mylan Teoranta pharmaceutical facility, within the Inverin Industrial Estate, in Connemara, Galway. The appeal site is accessed off a local road, the L5203 which in turn accesses onto the R336, a regional thoroughfare linking Galway City with Rossaveel. There are four industrial buildings on site, all linked by an internal service roadway and car parking. There is a gravelled area to the rear (north) of building B1 which is presently being used as a car parking area.
- 1.2. The site entrance is located off a mini-roundabout junction to the south-east of the site, off the L5203. There is vehicular parking located to the side, front and between the four buildings on site. There is a dedicated pedestrian walkway providing connectivity from the northern part of the appeal site including the parking areas to the south of the site. There is a pedestrian crossing on the internal service road to the south (front) of building B4, the largest of the buildings on site. The site levels rise from south to north on the site, levels being at 18.98 metres OD to the rear of Unit B2 and rising to 24.36 metres OD at the north-eastern point of the appeal site. The gravelled car park to the north of the appeal site has been developed in a terraced format, rising to the northern most part of the appeal site. The car parking is not visible from the public domain. There is hedgerow and landscaping along the northern and eastern site boundaries.

## **2.0 Proposed Development**

- 2.1. The development would comprise a car park area with 79 car parking spaces and all associated site works to the rear (north) of the appeal site at the Mylan Teoranta pharmaceutical facility
- 2.2. The spaces would be provided in lieu of an existing temporary gravelled car park area and would be formally lined out and surfaced, consistent with the car parking further south within the overall site. A six-metre-wide access road and pedestrian pathway is proposed which would tie-in with the existing internal roadway and pedestrian pathways on site. Low level soft landscaping is proposed around the perimeter of the new parking area.

- 2.3. Further information was submitted by the applicants on the 24<sup>th</sup> day of November 2020 in relation to: A justification for the additional car parking spaces and that the additional spaces are aligned with each of the uses within the buildings on site, Planning History on the site, surface water management proposals, specifications and profiles of lighting and details of landscaping proposals for the site.
- 2.4. Clarification of further information was submitted by the applicants on the 9<sup>th</sup> day of February 2021 in relation to: Planning History and uses within each of the four buildings on site and details of discussions with the Roads and Transportation Department within Galway County Council regarding traffic flows in the vicinity of the appeal site and along the public road network.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Planning permission was granted subject to 6 conditions. The pertinent conditions are as follows:

Condition number 3(a): Sight distance triangles shall be kept free from obstruction.

Condition number 3(b): Measures shall be taken by the applicant to prevent spillage or deposit of materials on the adjoining roads during construction works

Condition number 3(c): Electric vehicle charge points be provided in at least 10% of the proposed car parking spaces.

Condition number 4: A Mobility Management Plan to be agreed in writing with the Local Authority shall be implemented on the site.

Condition number 5: LED lighting to be implemented within the car park area as per the details submitted to the Planning Authority on the 24<sup>th</sup> day of November 2020.

Condition number 6: The car parking shall be used solely and specifically for the Mylan Teoranta operations and employees.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports (17<sup>th</sup> day of September 2020, 11<sup>th</sup> day of December 2020 and the 3<sup>rd</sup> day of March 2021)

3.2.2. Following the assessment of the further information requests, the Planning Authority was satisfied that the car park development was acceptable and recommended that planning permission be granted, subject to the conditions as set out within Section 3.1 above.

#### 3.2.3. *Other Technical Reports*

**Roads and Transportation Department:** No objection, subject to conditions.

### 3.3. Third Party Submissions

A third-party submission was made by Michael Mór Breathnach (appellant), Tully, Ballynahown PO, Co. Galway. The points raised within the submission are similar in nature to those raised within the appeal submission and can be summarised as follows:

- Proposals are inconsistent with the policies and objectives of the Development Plan and with the proper planning and sustainable development of the area.
- The planning documentation submitted is inaccurate, incomplete and insufficient in order to enable a proper assessment of the proposals by the Planning Authority or by interested third parties.
- Ownership of the appeal site lands should be clarified.
- The temporary car park is inaccurately described as green space within the planning documentation.
- The Planners Report includes a photograph of the temporary car park, but no specific reference is made to it within the text of the Planning Report.
- The colour of the site notice should have been on a yellow background.

- The industrial estate appears to have been developed contrary to the car parking standards of the Development Plan and contrary to previous planning permissions on the overall site.
- Previous planning permissions refer to the provision of 135 car parking spaces on site, yet the current proposals indicate that there are 90 on site car parking spaces.
- The traffic and road safety assessments are outdated and inadequate.
- Insufficient information is provided regarding industrial activities within the overall industrial estate.
- The environmental assessment is inconsistent with the provisions of the EIA directive.
- The proposal would likely have significant effects on the environment.
- A full environmental assessment of the whole industrial estate should have been submitted by the applicants.
- The assessment of surface water management on site is inadequate.
- No assessment of protected species and habitats in the Owenriff River and Galway Bay waters has been conducted.

## 4.0 Planning History

### ***Subject Site***

Planning Authority Reference number 12/527: In 2012, Galway County Council granted planning permission for the demolition of the two most northerly units entitled B1 and B2 on plans, the refurbishment and extension of the main manufacturing building B4, retention of modern laboratory building B3 and the erection of a new building (B1) to the north (three-storeys) with a rectangular format followed by a utility compound and then a parking area (188 spaces) to the east of which would be a site plant compound, a new ESB substation, a pipe bridge connecting B4 with the site plant compound (over 150 metres in length and c.6-9 metres in height), upgrade of entrance, signage, landscaping and parking for 226 spaces provided. This decision was upheld by An Bord Pleanála under PL 240846.

The applicants state within their appeal submission that this planning permission does not appear to have been enacted.

Planning Authority Reference number 15/1591: In 2015, Planning permission was granted for the installation of a new wastewater treatment system and underground services, tie-in with internal access road, new surface water drainage within the site and to the rear of the site and behind building number 1.

## **5.0 Policy Context**

### **5.1. Galway County Development Plan, 2015-2021**

- 5.1.1. The site is located within the Connemara Gaeltacht. No land use zonings exist within the Inverin area as set out with the Gaeltacht Plan, adopted as Variation no 2(b) to the Development Plan in 2018. The appeal site does not have the benefit of a specific land use zoning objective. However, it is located within an established industrial estate which was first permitted in 1978 and developed by Udarás na Gaeltachta. It is apparent that the appeal site and the lands immediately south of the appeal site have been developed to provide for the creation and promotion of industry and enterprise and to facilitate opportunities for employment expansion and creation.
- 5.1.2. Section 4.4 of the Development Plan pertains to Employment, Economy, and Enterprise where the following is set out “Galway County Council in conjunction with the relevant economic and employment stakeholders at both local and national level are trusted with maintaining and promoting employment, economic and enterprise development in the County”.
- 5.1.3. Section 10.4.1 of the Development Plan pertains to economic development in Gaeltacht area where the following is set out “The Council continues to support Údarás na Gaeltachta in fulfilling its role as a Development Agency of this region”.
- 5.1.4. Section 10.5 sets out the following policies and objectives relating to economic development within the Gaeltacht:

Policy G 1 –The Council through the Gaeltacht Local Area Plan 2008-2018 has outlined policies and objectives to protect and encourage the social, cultural and linguistic heritage of the Gaeltacht, whilst seeking to realise the economic and development potential of the Gaeltacht in a balanced and sustainable manner over the lifetime of the plan.

Policy G 2 –Galway County Council, through its Economic Development role, is committed to working closely with all the statutory development agencies, especially Údarás na Gaeltachta, to achieve sustainable development in the Galway Gaeltacht while protecting and promoting the Irish language as the first community language of the area.

Table 13.5 of the development plan confirms a car parking standard of 1 space per 33 m<sup>2</sup> gross floor area of Industry/Manufacturing/Light Industry is required.

## **5.2. Draft Galway County Development Plan, 2022-2028**

Chapter 5 pertains to Economic Development, Enterprise and Retail Development.

Among the Strategic aims is “To promote growth and employment across the county in accordance with the core strategy and Galway County Transport and Planning Strategy enabling people to work in the county and enjoy a good standard of living”.

Chapter 13 pertains to the Galway Gaeltacht and the Islands.

Policy objective GA3 is: To Support all of the statutory development agencies, especially Údarás na Gaeltachta, to achieve sustainable development in the Galway Gaeltacht while protecting and promoting the Irish language as the first community language of the area.

Section 13.8 pertains to economic development of the Gaeltacht and the islands and sets out the following “The Council acknowledge the significant investment that has been made by Údarás na Gaeltachta in Gaeltacht areas of Galway in recent years from an economic and social perspective”.

Policy objective GIED 1 which seeks “To promote and support developments that contributes to the economic development of the Gaeltacht and Islands in a sustainable manner at suitable locations”.

### **5.3. Natural Heritage Designations**

- 5.3.1. The closest Natura 2000 sites is the Connemara Bog Complex SAC (site code 002034) which at its closest point is located approximately 0.5 kilometres north-west of the appeal site boundary.
- 5.3.2. The closest Natural Heritage Area is the Connemara Bog Complex NHA which at its closest point is located approximately 0.8 kilometres north-east of the appeal site boundary.

### **5.4. Environmental Impact Assessment (EIA) Screening**

- 5.4.1. Having regard to the nature and scale of the proposed development within the confines of an established industrial site which is partially serviced by means of a connection to the watermains and to the nature of the receiving environment 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.
- 5.4.2. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.3. Class (10)(a) and (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
  - Industrial estate development projects, where the area would exceed 15 hectares.
  - Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of a development.
- 5.4.4. It is proposed to develop a further 79 car parking spaces to serve an existing pharmaceutical facility. The area of the overall site at 4.21 hectares and is therefore,



well below the threshold of 15 hectares for an industrial estate development project. The number of car parking spaces proposed at 79 is well below the threshold of 400 spaces noted above. The site is located within a permitted and established industrial estate and currently constitutes an operating industrial facility. The extension of the on-site parking facilities within a predominantly industrial development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 8 of my report). There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public watermains services of Irish Water and Galway County Council, upon which its effects would be marginal.

5.4.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are identified as industrial, by virtue of the planning history associated with the lands, and the results of the strategic environmental assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within a permitted and established industrial area, which is served by public watermains, and the existing pattern of industrial development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

5.4.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report (EIAR) for the proposed development was not necessary in this case.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party appeal has been lodged by Michael Mór Breathnach of Tully, Ballynahown PO, County Galway, the grounds of which can be summarised as follows:

Principle of Development:

- The development would be inconsistent with the policies and objectives of the Development Plan.

Car parking and traffic:

- The industrial estate seems to have been developed contrary to the car parking standards of the Development Plan and contrary to previous planning permissions on the site under planning reference number 12/527 and An Bord Pleanála reference number 07.240846.
- The existing number of on-site car parking spaces conflicts with the planning documentation submitted under planning reference number 12/527.
- The traffic and road safety assessment submitted as part of the further information response is inadequate and contains outdated information.

#### Environmental Issues:

- The environmental assessment is not in compliance with the EIA directive.
- The EIA screening is not comprehensive.
- Having regard to the nature, size and location of the development, the cumulative impact of the development has not been considered as part of the EIA screening.

#### Services:

- Have the issues of flooding, surface water, groundwater and wastewater been duly considered given the proximity of a watercourse that flows directly to the sea, approximately 0.8 kilometres south of the appeal site.
- The flood risk assessment is flawed in terms of the Development Plan objectives and an inadequate assessment has been conducted by the Planning Authority in terms of impact on drainage systems on site and discharge and run-off from the appeal site.

#### Natural Heritage:

- Inadequate information has been submitted and an inadequate assessment of impacts upon the Owenriff River and the Galway Bay waters has been conducted.

#### Other Issues:

- The planning documentation is incomplete, unclear, and insufficient to enable a proper assessment to be made of the proposals or to enable the public to participate within the planning process.
- Clarity as to the ownership of the appeal site.
- How can land described as open space be developed and operational as a temporary car park.
- The temporary car park is photographed in the planner's report, but not referenced further within the text of the report.
- The site notice was not on a yellow background and was placed in an inconspicuous location.

- Insufficient information regarding other industrial uses and facilities within the overall industrial estate have been submitted by the applicants.

## 6.2. Applicant's response to appeal submission

6.2.1. A response to the grounds of appeal was received from the applicant's Planning Consultants, on 27<sup>th</sup> day of April 2021, which can be summarised as follows:

Principle of Development:

- The development is consistent with the policies and objectives of the Development Plan where they are relevant to the current proposal.

Traffic and car parking:

- The northern part of the appeal site is currently being used as a temporary car park area serving the staff of Mylan teoranta. It is unserviced with no formal car spaces delineated on the ground.
- A shortfall of 11 car parking spaces would remain on site, even if the current proposal for 79 spaces was permitted. This is based on the car parking standards of the Galway Development Plan. However, this modest shortfall is due to the fact that a number of staff carpool, others cycle to work or avail of the public transport service to/from work. The applicants are also satisfied that this matter will be addressed further within the Mobility Management Plan, to be submitted as conditioned by the Planning Authority within its planning decision.
- The current proposals would not result in an increased number of staff being employed on site, the car parking proposals would serve existing staff on site, service providers and visitors to the site and would formalise the existing temporary car park arrangement to the rear of the site.

Environmental Issues:

- The current proposal is sub threshold in terms of the requirement to submit conduct an Environmental Impact Assessment Report (EIAR) as per the thresholds set out under Schedule 5, Part 2, Class 10(A) of the Planning and Development Regulations where the EIAR threshold for industrial estate

development projects is set at a minimum site area of 15 hectares. Therefore, the submission of an EIAR is not required in this instance.

#### Services:

- The applicants Consultant Engineer has stated that the site is not located within in a flood zone area and the site levels of the car park area are greater than those levels associated with a 1:100 flood event and therefore, no risk of flooding exists on site.
- In terms of surface water management, all surface water run-off would pass through a hydrocarbon interceptor and that the surface water management proposals are compliant with the provisions of DM 27 of the Development Plan

#### Natural Heritage:

- The proposals would not adversely impact upon the Natura 2000 network.

#### Other Issues:

- The planning documentation as submitted to the Planning Authority was deemed by them to be compliant with the requirements as set out within the Planning Regulations.
- The application site is within the ownership of the applicants, Mylan Teoranta.
- Planning site notices were displayed on site in accordance with the provisions of the Planning and Development Regulations 2001, as amended. The previous application on site was made under Planning Authority reference number 20/451 was deemed invalid, a refund of the planning fee was issued to the applicants and any person who made a submission. A site notice on a white background was erected in this instance, in accordance with Part 4, Article 19 (4) of the Regulations and relates to valid planning applications.
- The applicants state that the 12/527 permission was not enacted and therefore, the number of spaces referenced within that permission were never developed or provided on site.
- Details of existing uses within the industrial buildings within the appeal site boundary were submitted as part of the planning documentation.

### 6.3. Planning Authority Response

6.3.1. None received

## 7.0 Assessment

7.1.1. The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning and Principle of the Development
- Car Parking Provision
- Services
- Other Issues
- Appropriate Assessment

### 7.2. *Zoning and Principle of Development*

7.2.1. The site is located within the Connemara Gaeltacht, although no land use zonings exist within the Inverin area as set out within the Gaeltacht Plan, adopted as Variation no 2(b) to the Development Plan in 2018. The appeal site does not have the benefit of a specific land use zoning objective. However, the appeal site is located within an established industrial estate which was first permitted in 1978 and developed by Udarás na Gaeltachta. It is apparent that the appeal site and the lands immediately south of the appeal site have been developed to provide for the creation and promotion of industry and enterprise and to facilitate opportunities for employment expansion and creation.

7.2.2. Section 4.4 of the Galway Development Plan provides for development of industry and enterprise, Section 10.4 specifically provides for economic development within the Gaeltacht area. I note that there are a number of specific policy objectives set out within the Development Plan which the current proposal would be consistent with, including specific policy objective G1 in relation to “seeking to realise the economic

development potential of the Gaeltacht area in a balanced sustainable manner” and G2 which sets out that the Local Authority are “committed to working closely with all the statutory development agencies, especially Údarás na Gaeltachta, to achieve sustainable development in the Galway Gaeltacht”. The proposal would also be consistent with specific policy objective GIED 1 of the Draft County Development Plan pertaining to supporting Udarás na Gaeltachta and economic development.

- 7.2.3. The proposals do not specifically provide for industrial or economic development, however, provide facilities which are ancillary and necessary to the operation of the Mylan teoranta pharmaceutical facility, in terms of providing sufficient car parking to cater for the employees on site. Having regard to the circumstances pertaining in this instance, and the applicant’s rationale for the additional on-site parking proposals which will be addressed in detail later within this assessment, I am satisfied that the proposed development would result in a necessary and positive benefit for the employees on the subject site. I am satisfied that the principle of the proposed development is acceptable in this instance, subject to the issues below in relation to the justification for the additional car parking and servicing matters being addressed in a satisfactory manner

### **7.3. Traffic and Car Parking**

- 7.3.1. The development would provide an additional 79 car parking spaces on the appeal site, contiguous to and north of the existing 90 car parking spaces that are provided on site to serve the employees and service providers on site. There is an existing temporary car park on site, a gravelled area to the north of the 4 industrial buildings on the appeal site, but it is not formally delineated or lined out. There were approximately 56 cars parked within this temporary car park area on the day of my site inspection. The 90 spaces further south on the site were all occupied, except for one, that was a space specifically dedicated for employees engaged in car-pooling.
- 7.3.2. I note that Mylan Teoranta currently have 220 employees. The floor area of the 4 industrial buildings on site is stated to be 6,311 square metres (sq. m) However the further information response also makes reference to a total floor area of 5,947 sq. m. some 364 sq. m less than set out within other parts of the planning documentation, including Question 11 of the planning application form. Table 13.5 of

the Development Plan sets out a car parking requirement of 1 space per 33 sq. m. for industrial/manufacturing/light industrial facilities. The 6,311 sq. m. floor area would generate a car parking requirement of 191 spaces. The 5,947 sq. m. floor area would generate a car parking requirement of 180 spaces. The current car parking provision on site is 90 spaces in addition to the 79 proposed, would provide for a total of 169 car spaces, leaving a shortfall of 22 spaces based on the 6,311 sq. m (the greater) of the two floor areas submitted. The applicants have stated that a number of employees car-pool, others cycle or use public transport to get to and from the facility. Therefore, the shortfall of 22 spaces, or approximately 12% of their car parking requirement, represents a significant improvement on the current situation where there is a shortfall of approximately 50% of their car parking requirements.

7.3.3. The applicants submitted a traffic and transport assessment as part of their further information response. The applicants state that they liaised with the Roads and Transportation Department of Galway County Council in advance of submitting their response to the Planning Authority. The assessment sets out that the proposal would not generate increased traffic levels as the number of employees on site will remain at their current levels of 220. The applicants state that the flow of traffic to and from the site will not alter as a result of the current proposals. The car parking proposals would serve the existing employees, including service providers and visitors to the site.

7.3.4. It is stated by the applicants within their appeal submission that the 12/527 permission, which provided for additional car parking facilities on site was never enacted upon. It is apparent from my site inspection that the additional car parking is necessary for the safe operation of the pharmaceutical facility. In the absence of the additional car parking provision, it could lead to parking on the public carriageway and result in the creation of a traffic hazard. I am satisfied that the level of car parking provision is acceptable and would accord with the policies and objectives of the Development Plan. I note that the applicants state that no additional employees would be employed on site under these proposals and therefore, no additional levels of traffic would be generated by the proposals. The Transportation and Roads



Department of Galway County Council outlined no objections to the additional car parking provision on site, subject to conditions.

#### **7.4. Services**

- 7.4.1. Currently surface water is discharged to the adjoining watercourse, the Owenriff River at a point south-west of the appeal site boundary, west of the car park area and industrial unit B4. The surface water passes through a hydrocarbon filter in advance of the discharge to the watercourse. The applicants submitted details of surface water management proposals for the car park area as part of their further information response. The applicants state that a new stormwater drainage network is proposed, including attenuation proposals in the form of an attenuation tank which would limit the discharge from the new car park area to the equivalent greenfield runoff rate, in accordance with SuDS principles. It is stated that all surface/storm water run-off will pass through a hydrocarbon filter prior to being attenuated and subsequently discharging to the watercourse at a controlled rate. I am satisfied that the measures proposed would comply with SuDS principles and best practice surface water management principles and would accord with the provisions of policy objective DM 27 of the Development Plan regarding management of surface water.
- 7.4.2. In terms of flooding, the OPW are the competent authority on flooding in Ireland. The appeal site is located outside of flood zones A and B as set out within the OPW flood mapping on floodinfo.ie There is no record of flood events in this area as per the data available on the OPW website. The applicants have included information on predicted water levels within the Owenriff watercourse in a 1;100 year flood event. The levels of the car park would be above those of the watercourse in a 1;100 year flood event scenario. I am satisfied that the proposals will not increase the risk of flooding within the appeal site or on neighbouring lands and that the surface water attenuation proposals would assist in managing storm water on site in a storm event scenario.
- 7.4.3. In terms of wastewater, a new wastewater treatment system was installed immediately west of the car park area in 2012. During my site inspection there was no evidence of malodours or malfunction of the system. The current proposal would not place any additional loading on the treatment plant.

7.4.4. In terms of water supply, the applicants have an existing connection to the public watermain. The current proposals would not increase demand for water supply on the site.

#### **7.5. Other Issues**

7.5.1. Much of the grounds of appeal refer to issues relating to policies and objectives within the Development Plan and other matters which are not specifically relevant to the current proposal in relation to the development of car parking facilities and associated works within the appeal site.

7.5.2. In terms of procedural matters and the alleged irregularities in terms of the nature and colour of the site notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making a submission. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.5.3. A decision on a planning application is based on an assessment of the development specific to the planning application i.e., in this case whether or not the development of car parking facilities on site is acceptable and in accordance with the proper planning and sustainable development of the area. Having regard to the previous sections of this assessment, I consider that the car parking proposals are necessary, acceptable, and consistent with the enterprise activities permitted and established on site and that the proposals would not adversely impact on the amenity of the area.

7.5.4. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts.' In addition, Section 34(13) of the Planning & Development Act, 2000 (as amended) states a person shall not be entitled solely by reason of a permission under this section to carry out any development. Having regard to the foregoing, I do not consider issues in relation to a fire safety certificate relevant to this specific planning application.

7.5.5. This planning application grants permission for the development sought and any other unauthorised activity that may exist, or where a development may not be constructed in accordance with its permission, is solely a matter for the relevant planning authority. The Board has no role in, or powers of, enforcement.

- 7.5.6. I consider that the other legal matters (land ownership) referred to in the grounds of appeal are civil matters between the respective parties.
- 7.5.7. In conclusion, I consider that issues relating to possible unauthorised activity and other legal matters are not material considerations in this planning application.

## **8.0 Appropriate Assessment**

- 8.1. The closest Natura 2000 sites is the Connemara Bog Complex SAC which at its closest point is located approximately 0.5 kilometres north-west of the appeal site boundary. There is a hydrological pathway from the European site to the appeal site, however the flow path within the watercourse is from north to south and away from the European site. The surface water discharge to the watercourse flows in a southerly direction towards the Galway Bay waters.
- 8.2. Having regard to the nature and scale of the development and to the nature of the receiving environment, namely a partially serviced location with no hydrological pathway to any European site, no appropriate assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Recommendation**

I recommend that planning permission be granted.

## **10.0 Reasons and Considerations**

- 10.1. Having regard to the established and permitted industrial uses on the site, the shortfall in car parking facilities to serve the established use on site. it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the economic and enterprise policies and objectives as set out within the Galway Development Plan 2015-2021, the Draft Galway Development Plan 2022-2028 and would not adversely impact on the local receiving environment and would accord with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of November 2020 and the 9<sup>th</sup> day of February 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2.
  - a) Prior to the commencement of development details of a Mobility Management Plan shall be submitted and agreed in writing with the Planning Authority. It shall be the responsibility of the applicants to manage all travel movements to/from the site in accordance with the Mobility Management Plan. The Mobility Management Plan shall, at a minimum, incorporate the following measures:
    - b) It shall be the responsibility of the applicants to promote and encourage more sustainable travel patterns, including walking, cycling, and car-pooling. The applicants shall monitor and record all travel movements to/from the site on an on-going basis.
    - c) It shall be the responsibility of the applicants to achieve compliance with modal targets and objectives of the Mobility Management Plan and report compliance details of same to the Planning Authority at the appropriate agreed intervals.
    - d) Traffic and parking arrangements, including the provision of an on-site covered cycle shelter and shall comply with the requirements of the planning authority.

**Reason:** In the interest of public safety and sustainable transportation.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority within eight weeks of the date of grant of this planning application. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To ensure the provision of adequate refuse storage.

5. Site development works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

**Reason:** In the interests of clarity, orderly development and amenity.

7. Public Lighting for the development shall be provided in accordance with a scheme as submitted to the Planning Authority on the 24<sup>th</sup> day of November 2020, which shall include lighting along pedestrian routes, final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the first use of the new car parking area.

**Reason:** In the interests of pedestrian and traffic safety.

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Fergal Ó Bric

Planning Inspectorate

2nd March 2022