



An
Bord
Pleanála

Inspector's Report

ABP-309835-21

Development

Permission to demolish building with a floor area of 122.6 square metres and remove overground concrete water storage tank, to develop a new factory and ancillary office space with a floor area of 5,164 square metres, car parking spaces, landscaping, alterations to the main entrance to the industrial estate and associated site works.

Location

Eastát Bhaile an tSagairt, An Sián Rua, An Spidéal, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

20/835

Applicant(s)

Udarás na Gaeltachta on behalf of Aran biomedical

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant(s)

Máire Uí Mhuirín

Observer(s)

None

Date of Site Inspection

26th January 2022

Inspector

Fergal O’Bric

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 1.52 hectares and is located within the Eastát Bhaile an tSagairt, An Spidéal, Connemara, Galway. The main access to the appeal site is from the east, off a local road, the L53955, which in turn accesses onto the R336, a regional thoroughfare linking Galway city with Rossaveel. There is a secondary access, serving the small office building only (to be demolished under these proposals) to the west of the appeal site, off local Road L5395. There are three large industrial buildings and an office building located further south within the Industrial estate, occupied by Aran Biomedical. There are a number of other enterprise units further east and south within the overall industrial estate which are occupied by other end users (non-Aran biomedical related). The industrial buildings are all linked by an internal roadway and car parking. There is a small office building to the west of the appeal site and a large above ground concrete circular water tank and these would be demolished under the current proposals to provide for the new enterprise facility. At present much of the appeal site is overgrown.
- 1.2. The main site entrance is located off a mini-roundabout junction to the south-east of the site, off the L53955. There is vehicular parking located to the side, front and between the industrial buildings within the industrial estate. The site levels rise from south to north on the site, levels being at 21.5 metres Ordnance Datum (mOD) at the main entrance to the industrial estate and rising to 26.93 mOD to the north of the appeal site. There are mature coniferous trees located along the northern site boundary.

2.0 Proposed Development

- 2.1. The development would comprise the demolition of an office building and an overground water storage tank and for the development of a factory building with ancillary office space, car parking, landscaping, alterations, and modifications to the main entrance to the Industrial Estate and associated site development works all within the Bhaile an tSagairt Industrial Estate, An Spidéal, Galway.
- 2.2. Further information was submitted by the applicants on the 3rd day of February 2021 in relation to: Connections to the public sewer; A Road Safety Audit and a Mobility

Management Plan; Justification for the proposed development and details of the water tank to be demolished.

3.0 **Planning Authority Decision**

3.1. **Decision**

Planning permission was granted subject to 13 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): Existing entrance onto the L-5395 shall be removed.

Condition number 3(d): The recommendations included within the Road Safety Audit shall be implemented in full.

Condition number 4: Developer to submit revised surface water management layout and proposals.

Condition number 5: Electric vehicle charging proposals.

Condition number 6: Site development working hours.

Condition number 10: Restriction on use of building.

Condition number 13: Development Contributions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports (19th day of August 2020 and the 1st day of March 2021).

3.2.2. Following the assessment of the further information request, the Planning Authority was satisfied that the industrial 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.

Environment Department: No objection, subject to conditions.

3.2.4. **Irish Water:** No objection, subject to a valid connection agreement being put in place, the connection to the Irish Water network(s) can be facilitated.

3.3. **Third Party Observations**

A third-party observation was received from Máire Uí Mhuirín (appellant), Páirc Thiar, An Spidéal, Co. na Gaillimhe. The issues 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.
- The proposals are not compliant with the planning regulations as the public notices are published in the Irish language, but the remainder of the planning documentation is submitted in the English language.
- It is unclear from the planning documentation submitted whether the project requires assessment under the provisions of the Environmental Impact Assessment (EIA) directive.
- Given the type and characteristics of activities on site. it is of concern that the development would be exempt from the requirement to carry out EIA.
- Would the activity on site not require the submission of a waste licence or be subject to the Major Accident Regulations?
- How would a factory employing 220 people manufacturing pharmaceutical products generate wastewater predominantly of a domestic nature?
- Full details of existing and required permits and licences relevant to the environment are required.

- The proposal is lacking information regarding potential impacts on the environment.
- Lack of information regarding the location of the Bhaile an tSagairt river that flows through the industrial estate and the location of the site relative to the Natura 2000 network.
- Lack of information regarding the specific pharmaceutical aspects of the development.
- The wastewater treatment plant would not have adequate capacity to cater for the increase in foul loading that the development would generate.
- That the planning documentation does not meet the requirements of the Aarhus convention.

4.0 Planning History

Subject Site

Planning Authority Reference number 19/1365: In 2019, the current applicant sought planning permission for the demolition of an existing building and of a water storage tank and the development of a new industrial building with ancillary office space and all associated site works. Further information was sought but the application was deemed invalid by Galway County Council

Planning Authority Reference number 18/1407: In 2018, Galway County Council granted planning permission for the demolition of an existing building and a water storage tank and the development of a manufacturing facility with ancillary office space (Total; floor area 1,411 square metres), gas storage tank, parking, delivery yard and connection to the public services.

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 Eastát Bhaile an tSagairt as set out with the Gaeltacht Plan, adopted as Variation no 2(b) to the Development Plan in 2018. However, the appeal site is located within an established industrial estate developed and managed 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 the 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 m² gross floor area of Industry/Manufacturing/Light Industry is required.

5.2. Draft Galway County Development Plan, 2022-2028

Draft material alterations to this Plan were on public display until the 4th day of March 2022. This Plan is expected to be adopted in May 2022.

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 Special Area of Conservation (SAC) (site code 002034) which at its closest point is located approximately 1.4 kilometres north-west of the appeal site boundary.

5.3.2. The closest Natural Heritage Area (NHA) is the Moycullen Bog NHA which at its closest point is located approximately 1 kilometre north 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 with a connection to the public 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 an additional biopharma manufacturing building with ancillary office space to serve the expansion of an established biomedical facility. The area of the appeal site is approximately 1.52 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 177 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 expansion of the biomedical facility 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 set out 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 development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would connect into the public watermains 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 instance.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been lodged by Máire Uí Mhuirín, Páirc Thiar, An Spidéal, Co. na Gaillimhe., the grounds of which can be summarised as follows:

Principle of Development:

- The development would be inconsistent with policies and objectives set out within the Development Plan.
- The public notices were written in the Irish language, however the planning application itself was submitted in the English language. The development is located in a Gaeltacht area and would not support the heritage and culture of the Gaeltacht and would contribute further to the erosion of the Irish language and be contrary to policy objectives of the Development Plan.

Environmental Issues:

- The description of the development is too brief and insufficient to determine if the proposal would require assessment under the EIA directive.
- The ability of the wastewater to be treated from the proposed facility is raised as an issue within the engineering reports submitted by the applicants.
- The environmental assessment is not in compliance with the EIA directive.

Natural Heritage:

- Inadequate information has been submitted in relation to the description of the development in relation to the Natura 2000 network.
- Proposals are inconsistent with the provisions of the Birds and Habitats

Directive.

Other Issues:

- How can an agent of the state (Udarás na Gaeltachta) submit two concurrent planning applications with respect to the same development on the same site?
- No details of the specific pharmaceutical aspects of the development have been submitted.
- Considering the type and characteristics of activities on site, it is of concern that the proposals would be exempt from the requirement to carry out EIA.
- The planning documentation is insufficient to enable a proper assessment to be made of the proposals or to enable the public to participate within the planning process.
- Planning applications within the Gaeltacht area should be lodged in both the Irish and English languages.
- The application would not fulfil the requirements of the Aarhus convention in relation to access to information and community involvement in environmental decision making due to the lack of availability of information within the planning application in the Irish language.
- Proposals are Ultra Vires; the proposals have not been assessed in accordance with European Directives regarding environmental assessment nor in accordance with the Birds and Habitats directives.
- The application does not contain sufficient detail to demonstrate that the precautionary principle has been complied with, Details included with the planning documentation are erroneous, inadequate, and vague and nor do they demonstrate compliance with environmental legislation or case law.

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 28th 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.

Environmental Issues:

- In terms of the EIA directive, the current proposals are sub threshold in terms of the requirement to prepare and submit 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. The EIAR threshold for industrial estate development projects is set at a minimum site area of 15 hectares. The total area of the overall industrial estate in this instance is approximately 6 hectares, considerably below the relevant threshold. Therefore, the submission of an EIAR is not required in this instance.
- The application has been assessed and considered by the Environment Section and the Planners within Galway County Council and is considered to accord with the requirements of national environmental law and the Birds and Habitats directives.

Natural Heritage:

- The proposals would not adversely impact upon the Natura 2000 network nor be contrary to Policy objective DS6 of the Development Plan regarding protecting designated European sites.

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.
- Planning site notices were displayed on site in accordance with the provisions of the Planning and Development Regulations 2001, as amended.
- It should be noted that the planning application form, the site and newspaper notices, the cover letter, the development description, and correspondence from the applicant, Udarás na Gaeltachta, were all lodged in the Irish language. The technical reports and the supporting documentation were lodged in the English language. These are not material considerations to overturn a decision of a Planning Authority.

- The Aarhus convention specifically relates to access to environmental information and public participation in environmental decision making and is not considered relevant to the determination of a planning application or a subsequent planning appeal.
- The applicants state that Planning reference number 19/1365 was deemed withdrawn and that planning reference number 18/1407 permitted a single storey industrial plant with manufacturing facilities and office space with a floor area of 1,410.7 square metres, parking, delivery yard, connection to services and demolition of a water storage tank. The current proposal is sufficiently different to warrant the submission of a new planning application, in that the floor area of the current proposal is considerably larger than that previously permitted, and works are now proposed to the main access point to the overall site which were not included within planning reference number 18/1407.

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
- Access and Car Parking
- 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 pertain to the appeal site as set out within the Gaeltacht Plan, adopted as Variation

no 2(b) to the Development Plan in 2018. There are land use zonings specific to the village on An Spidéal, which is located approximately 1.6 kilometres west of the appeal site. However, the appeal site is located outside of the “An Spidéal” development boundary, within an established industrial estate developed by Udarás na Gaeltachta, where it is stated that Aran Biomedical first opened a facility at this location approximately 20 years ago. The industrial estate remains in Udarás ownership currently. 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. 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 specifically provide for the expansion of an established bio-medical facility which operates immediately south of the appeal site within three enterprise manufacturing units and ancillary office buildings. It is stated that Aran biomedical have developed a niche biomaterial product and the existing buildings are not sufficiently sized to facilitate the required expansion of the biomedical facility and that the existing site nor buildings could not be extended or modified to provide for the expansion required. Employment on site will be increased as a result of the significant investment proposed. At present there are approximately 100 people employed by Aran biomedical at Eastát Bhaile an tSagairt, and this would increase to 200 employees with the development of the current proposals. Having regard to the circumstances pertaining in this instance, and the applicant’s rationale for the additional enterprise and office proposals, I am satisfied that the proposed

development would accord with the policy objectives for the development of enterprise and employment as set out within the Development Plan. I am satisfied that the principle of the proposed development is acceptable in this instance, subject to the issues below in relation to access and car parking and servicing matters being addressed in a satisfactory manner

7.3. Access and Car Parking

- 7.3.1. The development would provide an additional 177 car parking spaces on the appeal site, north, east, and southeast of the proposed enterprise and office building on site to serve the employees and service providers of Aran Biomedical.
- 7.3.2. It is stated that Aran Biomedical currently have 130 employees. The floor area of the proposed industrial building is stated to be 5,164 square metres (sq. m) Table 13.5 of the Development Plan sets out car parking requirements of 1 space per 33 sq. m. for industrial/manufacturing/light industrial facilities. The 5,164 sq. m. floor area would generate a car parking requirement of 156 spaces. The proposed car parking provision on site would be 177 spaces, leaving a surplus of 21 spaces based on the Development Plan standards. The surplus of 20 car parking spaces, is considered acceptable and exceeds Development Plan standards. The applicants submitted a Mobility Management Plan as part of their planning documentation where it is stated that the company would employ a mobility co-ordinator and a steering group responsible for the establishment of a Workplace Travel Plan for the site to promote sustainable travel. A number of specific measures to promote sustainable travel are proposed including the provision of secure cycle parking on site with changing facilities and showers, the introduction of tax saver tickets and the Leap card scheme to encourage employees to use public transport, implement a staff awareness campaign through leaflets, posters, mobile apps and ongoing monitoring and review of the sustainable transport measures.
- 7.3.3. The applicants are proposing to make modifications at the main entrance point to the industrial estate, whereby the existing mini-roundabout arrangement would be removed, and a priority junction would be created onto the local road, the L53995. A Road Safety Audit (RSA) has been submitted as part of the planning documentation making recommendations in terms of visibility at the proposed modified site entrance, improving pedestrian connectivity within the site, car parking, implementing

appropriate landscaping on site so that visibility is not impaired. The recommendations of the RSA should be implemented in full, this is a matter that can be conditioned by the Board, if deemed appropriate. The main site entrance modifications would involve the removal of an 8-metre length of wall and hedge to the south of the main site entrance and the removal of a 32-metre length of wall and hedge, relocating signage and a lamppost removing a retaining wall and some tress/hedgerow that restrict sight distances to the north of the main site entrance. These alterations will improve the visibility at the main site entrance whereby in excess of 65 metre sightlines would be achieved at the junction of the industrial estate and the local road, the L53995, in accordance with DMURS standards.

- 7.3.4. The applicants submitted and a traffic and transport assessment as part of their planning documentation. 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 there is adequate spare capacity with minimal queueing at the junction of the R336 with the L53955 in all of the scenarios tested. There are no records of an accident-causing injury in the vicinity of the appeal site as per the Road Safety Authority website.
- 7.3.5. I note that the Roads and Transportation 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 collected on site within 225mm and 300mm pipelines and ultimately discharges to the Bhaile and tSagairt stream, which traverses the site from north to south and ultimately discharges to Galway Bay approximately 0.45 kilometres downstream (south). There are a number of surface water management proposals for the site including the introduction of surface water gullies to drain the roads and parking areas. The applicants state that additional surface water management drainage proposals are to be implemented, including attenuation proposals in the form of an underground 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 provision 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 within the OPW website, floodinfo.ie. I am satisfied that the proposals will not increase the risk of flooding within the appeal site or on neighbouring lands and I note 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, the applicants are proposing to discharge foul effluent to the existing wastewater treatment plant within the industrial estate which is operated and managed by Udarás na Gaeltachta (UnG). UnG state that this treatment plant is operating at approximately 45% of its design capacity. It is stated that recent capital works have been successfully completed at the Eastát Bhaile an tSagairt wastewater treatment plant (WWTP) with regard to eliminating cross pollination of storm water into the foul sewer system. In relation to the issue of domestic waste being primarily discharged from Aran Biomedical facilities, Udarás have stated that specialist contractors are employed to remove licensed waste from the manufacturing process and therefore some of discharge to the WWTP is of a domestic nature and the remainder is described as trade effluent. Udarás and their Consultant Engineers do not support the need to tap into a new wastewater treatment plant proposed in Spiddal village, approximately 2 kilometres west of the appeal site. They state that the current treatment plant in Bhaile an tSagairt has adequate capacity to cater for the foul discharge generated by the existing and proposed industrial development within the industrial estate. This has been confirmed in correspondence submitted by Irish Water.

7.4.4. A number of servicing reports from Hydro Environmental Ltd and Ryan Hanley Consultant Engineers have also been submitted by the applicants. The modelling within the service reports acknowledges that there would be a slight increase in in

Biological Oxygen demand (BOD), Ammonium Nitrogen, Dissolved Inorganic Nitrogen (DIN), Molybdate Reactive Phosphorus (MRP), Total Suspended Solids (TSS) and faecal coliforms in the coastal waters south of the appeal site in Galway Bay arising from the proposed development, but that concentrations of these parameters are all within acceptable standards by the time they were sampled downstream in Galway Bay. The modelling demonstrates that there were greatest concentrations of these parameters closest to the outfall to the Bhaile an tSagairt stream immediately downstream of the Bhaile an tSagairt WWTP, but that the concentration levels dropped as mixing occurred further downstream of the WWTP, until ultimately reaching the Galway Bay coastal waters, 0.45 kilometres south of the appeal site. The servicing reports conclude that the impact on coastal water quality would be within acceptable standards and not adversely impact upon bathing water quality status within Galway Bay.

7.4.5. It is stated that final effluent downstream of the wastewater treatment plant would be monitored to ensure that acceptable water quality standards are achieved and maintained. Udarás state that refurbishment and upgrade of the wastewater treatment plant is in design stage and works are anticipated to be completed within a year, latter dated January 2021. These works would contribute to maintaining faecal coliforms within acceptable standards and therefore, results in water quality not being degraded by the development. I note the report from Irish Water who have outlined no objections to the wastewater proposals and confirmed that the development can be facilitated within their network(s). The Environment Section of Galway County Council have set out that they have no objection to the granting of planning permission in this instance as detailed conditions in relation to the control and management of the treated discharge from the facility will be included in the revised discharge licence. The issuing of a discharge licence is a process that is managed by the Environmental Protection Agency (EPA). The current discharge licence will be reviewed by the EPA in the event that a grant of planning permission is issued in order to address the increased foul discharge loading that the proposed development would generate.

7.4.6. A priority substances assessment report was carried out by the applicants Consultants Engineers as part of a further information response. This report

concluded that no risk to the receiving waters have been identified during the monitoring of the two existing non-domestic discharges.

7.4.7. In terms of water supply, the applicants are proposing to connect to the public watermains. I refer to the comments from Irish Water in this regard.

7.5. **Other Issues**

7.5.1. Much of the grounds of appeal refers 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 an extension of the pharmaceutical enterprise facilities within and south of the appeal site.

7.5.2. In terms of procedural matters and the alleged irregularities in terms of the Irish and/or English language within the planning documentation. I note that these matters were considered acceptable by the planning authority. I am satisfied that these 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. In terms of the Aarhus convention, which relates to two specific principles, access to environmental information and public participation in environmental decision making and the right to seek justice in the event that the two preceding principles have not been respected. I do not consider it specifically relevant to the assessment of planning applications, including the current proposal. This current assessment includes a screening for Environmental Impact Assessment (EIA) as set out within Section 5.4 of this report. The EIA screening concluded that the submission of an EIAR was not required or necessary in this instance.

7.5.4. In terms of the precautionary principle, this principle arises if there is risk of severe damage to humans and/or the environment associated with a development and the impacts that it may generate upon the local receiving environment or protected aquatic, birds, or natural habitats. I am satisfied that the applicants have submitted adequate planning documentation including supporting technical reports as part of their planning application in order for a proper and full assessment to be undertaken

by the Planning Authority and the Board. I refer specifically to Section 5.4 of this report regarding an EIA screening and Section 8 regarding Appropriate Assessment screening. I am satisfied that there is no risk of severe damage to humans and/or the environment arising from the proposed development.

- 7.5.5. 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 a manufacturing biomedical facility and ancillary office space 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 expansion proposals are acceptable and consistent with the enterprise activities established and permitted on site and that the proposals would not adversely impact on the amenity of the area.

8.0 Appropriate Assessment

- 8.1. The closest Natura 2000 site is the Connemara Bog Complex SAC which at its closest point is located approximately 1.4 kilometres north-west of the appeal site boundary. There is no hydrological pathway from the European site to the appeal site.
- 8.2. Having regard to the nature and scale of the development and to the nature of the receiving environment, in a fully 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 employment uses immediately south of the appeal site within the overall Bhaile and tSagairt industrial estate, the planning

history pertaining to the appeal site and the overall industrial estate. 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 3rd 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 The recommendations of Road Safety Audit and the Mobility Management Plan, including the Workplace Travel Plan as submitted to the Planning Authority on the 3rd day of February 2021 shall be implemented in full. Final details of the Workplace Travel 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 Workplace Travel Plan. The Workplace Travel 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 Workplace Travel 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.

e) Electric charging points.

f) Remove entrance onto L5395 prior to occupying proposed new manufacturing facility

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 External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

- 5 Prior to the commencement of development, the developer shall enter into water/wastewater connection agreements with Irish Water.

Reason: In the interests of public health.

- 6 A landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping proposals shall be carried out within the first planting season

following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 7 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.

- 8 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.

- 9 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.

- 10 Public Lighting for the development shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the Planning

Authority. The scheme shall include lighting along pedestrian routes. The lighting shall be provided prior to the first occupation of the new manufacturing and office facility.

Reason: In the interests of pedestrian and traffic safety.

- 11 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Fergal Ó Bric

Planning Inspectorate

25th March 2022