



An
Bord
Pleanála

Inspector's Report

ABP-310084-21

Development	Retention of horse stables. Gross floor space of work to be retained: 79.17 sqm
Location	Knockauncoura, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	20963
Applicant(s)	Norman Lee
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Norman Lee
Observer(s)	None
Date of Site Inspection	12 th November 2021
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	8
5.3. EIA Screening	8
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	9
6.3. Observations	9
6.4. Further Responses.....	9
7.0 Assessment.....	9
7.2. Principle	10
7.3. Archaeology	10
7.4. Flood Risk	12
7.5. Appropriate Assessment	13
7.6. Other Issues.....	28

8.0 Recommendation..... 28

9.0 Reasons and Considerations..... 28

1.0 Site Location and Description

1.1. The appeal site with a stated area of 5.019 ha is located off the R460 in the rural townland of Knockauncoura c 3.6km southwest of Gort. The site forms part of an established equestrian yard and training area comprising a large stable block, mechanical horse walker and horse gallop. The proposed stable buildings for retention are set back from the main public road by c114m. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. The application submitted to Galway County Council on 16th July 2020 sought planning permission for the retention of horse stables (79.17 sqm) comprising 7 no stables which form part of a larger equestrian yard and training grounds. The application was accompanied by the following:

- Cover Letter stating that all horse manure generated by the development will be disposed of in the existing manure pit which was previously granted planning permission under 11/649

2.2. Following a request for further information the applicant sought a 2 week extension. Galway County Council permitted a time extension to 16th May 2021.

2.3. Further information was submitted on 10th March 2021 and comprised the following documents:

- Archaeological Assessment
- Habitats Directive Screening
- Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council issued a notification of decision to refuse permission for the following reason:

Having regard to the absence of any demonstrated archaeological monitoring of the site, the planning history of the site which included the archaeological monitoring of groundworks on site, the details submitted in this application which seeks permission to retain a block of horse stables, together with the response to the request for Further Information it is considered that the applicant has carried out work on site which has not appropriately taken into account the archaeology present on the site. Therefore, the proposed development, if permitted, would materially contravene Condition 2(b) attached to PL ref 11/690. In addition the proposed development, if permitted, would be contrary to Strategic Aim 10 of the Galway County Development Plan 2015 – 2021, would militate against Policies ARC3 & ARC4 and would contravene materially stated objectives in relation to the Archaeological Heritage of the County, in particular Objective ARC 1 (Protection of Archaeological Sites), Objective Arc 7 (works in the immediate vicinity of Recorded Monument), Objective ARC 2 (Development Management) as well as Development Management Standard 45 of the Galway County Development Plan 2015 – 2021 and is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report sought the following further information as summarised:
 - 1) AA Screening Report examining pathways to nearby European sites and likely impacts with particular reference to the East Burren Complex SAC
 - 2) Flood Risk Assessment of the site
 - 3) Detailed Archaeological Assessment to be submitted
- The **Case Planner** in their second report and having considered the further information reports noted that under a previous permitted application, Reg Ref 11/690 refers Condition No 2(b) required that archaeological monitoring be carried out with groundworks associated with the construction of the manure pit and soiled water storage tank. It is stated that no monitoring was carried out in advance of

commencement of works. Recommended that permission be refused because the proposed development, if permitted, would materially contravene Condition 2(b) attached Reg Ref 11/690 and would also be contrary to Strategic Aim 10 of the Galway County Development Plan 2015 – 2021, would militate against Policies ARC3 & ARC4 and would contravene materially stated objectives in relation to the Archaeological Heritage of the County, in particular Objective ARC 1 (Protection of Archaeological Sites), Objective ARC 7 (works in the immediate vicinity of Recorded Monument), Objective ARC 2 (Development Management) as well as Development Management Standard 45 of the Galway County Development Plan 2015 – 2021. The notification of decision to refuse permission issued by Galway County Council reflects this recommendation.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

4.1. The following history has been made available with the appeal file:

- **Reg Ref 11/690** – Permission granted to Norman Lee to retain (1) existing horse training yard consisting of horse stables with 20 loose boxes, tack room and store room, mechanical horse walker, lunging area, horse gallops and existing site entrance and access road (2) permission to construct ancillary storage for animal waste consisting of manure pit and soiled water storage tank and (3) extend existing horse gallops (gross floor space retained 500.8sqm) subject to 11 no conditions. Condition No 2(b) set out the following:

The applicant is required to employ a qualified archaeologist to monitor all groundworks associated with this development. Should archaeological

material be found during the course of monitoring, the archaeological may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found. The Planning Authority and the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of monitoring.

Reason: *To ensure the continued preservation (either in situ or by record) of places, caves, sites and in the protection of the Natura 2000 sites.*

- **Reg Ref 09/1579** – Permission refused to Noman Lee for retention and construction of stables (521 sqm) and entrance.
- **Reg Ref 05/4196** – Permission granted to Norman Lee for the construction of a dwelling house, garage and proprietary effluent treatment system.
- **Reg Ref 05/1408** – Permission refused to Norman Lee for the construction of a dwelling house, garage and proprietary effluent treatment system.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the Galway County Development Plan 2015 – 2021. Relevant sections are as follows:

- Chapter 9 – Heritage, Landscape and Environmental Management
- Section 9.11 Landscape Conservation and Management Policies
- Chapter 11 Agriculture, Fishing, Marine Resources and Forestry
- Objective AFF2 – Rural Diversification
- Objective AFF5 – Compliance with the EU Habitats Directive
- DM Standards 33 and 34 relating to agricultural developments

5.1.2. Relevant policies and objectives are as follows:

- **Strategic Aim 10 – Heritage** - Enhance and protect the built heritage and natural environment, including buildings, archaeology, landscape and biodiversity, within the County.
- **Objective ARC 1 – Protection of Archaeological Sites** - Protect archaeological sites and monuments their settings and visual amenity and archaeological objects and underwater archaeological sites that are listed in the Record of Monuments and Places, in the ownership/guardianship of the State, or that are subject of Preservation Orders or have been registered in the Register of Historic Monuments and seek to protect important archaeological landscapes.
- **Objective ARC 2 – Development Management** - All planning applications for new development, redevelopment, any ground works, refurbishment, and restoration, etc. within areas of archaeological potential or within close proximity to Recorded Monuments or within the historic towns of County Galway (Ardrahan, Athenry, Dunmore, Eyrecourt, Loughrea and Tuam) will take account of the archaeological heritage of the area and the need for archaeological mitigation.
- **Policy ARC 3 – Consultation** - Consult with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht in relation to proposed developments adjoining archaeological sites.
- **Policy ARC 4 – Management of Archaeological Sites and Monuments** - Support the preservation, conservation and management of archaeological sites and monuments, together with the settings of these monuments.
- **Objective ARC 7 – Recorded Monuments** - Ensure that any development in the immediate vicinity of a Recorded Monument is sensitively designed and sited and does not detract from the monument or its visual amenity.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal was prepared and submitted by Grealish Glynn & Associates and may be summarised as follows:

- The development in question is very modest in size at 79.17sqm. The foundations for the stables are subsurface based and excavation is minimal. There is substantial development existing on site and archaeological assessment and testing has been carried out on site previously. An archaeological assessment was submitted as part of the further information and no evidence was found of any adverse impact to archaeological heritage.
- The Planning Authority has disregarded the archaeological assessment submitted and unfairly refused planning retention in this case.

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Archaeology
- Flood Risk
- Appropriate Assessment
- Other Issues

7.2. Principle

7.2.1. Retention planning permission is sought for horse stables (79.17 sqm) comprising 7 no stables which form part of a larger equestrian yard and training grounds. Taking into consideration the established nature of the equestrian yard the continuance, improvement and expansion of the activity is a realistic expectation in the normal course of events. I consider the further development of stables, in what appears to be a further modernisation of an existing use to be an acceptable use in principle. Furthermore, I am satisfied that the scale, siting and design of the unit is appropriate to its context and that it does not adversely dominate the rural landscape at this location or injure the visual amenity of the area.

7.3. Archaeology

7.3.1. Having regard to the information available with the appeal file it is evident that the applicant has carried out work on site which has not adequately considered any potential archaeology present on the site or had due regard to the requirements of the current Development Plan or Condition No 2(b) of Reg ref 11/690.

7.3.2. I refer to the Archaeological Assessment submitted by way of further information. The stable block to be retained is located on the site of recorded monument GA128-056 (Ringfort – Cashel) and represent an extension to previous development at this site including a larger stable block and associated exercise areas and gallops. Site history set out in Section 4.0 above refers.

7.3.3. Cartographic evidence suggests that recorded monument GA128-056 was levelled in the second half of the 19th century and although part of the curve of the monument

was preserved in a field boundary all other surface traces appear to have been removed. The site was inspected during the course of the Archaeological Survey of Ireland (ASI) in 1986 and it was recorded that “no visible surface trace (of the monument) survived”. Stated that the lands containing the monument were subject to extensive scrub clearance and land improvement works in c2005 and the site of the monument itself has since been developed with stable blocks and associated works. There is no surface trace of the monument within the development footprint but a slight rise in the field to the west of the new stable block may indicate the west extent of the monument. I refer to the aerial images within the Archaeological Report.

- 7.3.4. All excavations associated with any development at this location should be subject to monitoring by a suitably qualified archaeologist. However, in this instance the archaeological impact arising from the proposed development to be retained could not be established as the works were not monitored in the first instance. As stated, previous land improvement works in the second half of the 19th century and the early years of this century are likely to have impacted any sub-surface traces of the monument that may have existed prior to the construction of the stable blocks and associated developments on the site of the monument post 2005. However, this cannot be established definitively as none of the of the documented works were archeologically monitored. No archaeological mitigation measures are recommended as the development concerns the retention of existing works and no further works are proposed.
- 7.3.5. There are a number of options available to the Local Authority to deal with unauthorised development and / or non-compliance with planning conditions. No evidence has been made available with the appeal file to indicate that such procedures were exercised at this site. While the carrying out of unauthorised works and seeking retention retrospectively is always unacceptable it is made more difficult in this case given the archaeological sensitivity of the site together with the relevant policies and objectives identified in the Development Plan. However, it remains in this instance that to refuse permission and seek the removal of this budling may result in further significant impact to any archaeological remains in the area. In this regard I refer to the Archaeological Assessment submitted where it states that land improvement works carried out in the second half of the 19th century and the early years of this century are likely to have impacted any sub-surface traces of the monument that may

have existed prior to the construction of the stable blocks post 2005. Given these particular set of circumstances I am inclined to come to the view that to refuse permission on archaeological grounds and to seek the removal of works would have a potentially greater impact than the initial works already carried out or would at the very least compound the issue further. It is a most regrettable situation for all parties particularly where all available solutions have an impact i.e. to refuse and remove or to retain. However, on balance it is recommended that this reason for refusal is set aside in this case given the potential for further significant impacts to recorded monument GA128-056 (Ringfort – Cashel).

- 7.3.6. I note that the planning authority's reason for refusal states that the proposed development materially contravenes Objective ARC 1 (Protection of Archaeological Sites), Objective Arc 7 (works in the immediate vicinity of Recorded Monument), Objective ARC 2 (Development Management) as well as Development Management Standard 45 of the Galway County Development Plan 2015 – 2021. These Objectives refers to a general approach to development at archaeological sites and monuments and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.4. Flood Risk

- 7.4.1. I refer to the Flood Risk Assessment prepared by Hydro-S (February 2021). The site is in an indicative groundwater flood risk area, as identified by the OPW in their Preliminary Flood Risk Assessment (PFRA) of County Galway. The PFRA also shows pluvial flood risk area on Lough Briskeen. This pluvial flood risk from Lough Briskeen on its own is considered insignificant as the catchment area is not very large and the lake is at a very low level from the area of the stables and groundwater flood risk overrides the pluvial flood risk. Therefore, pluvial flood risk from Lough Briskeen on its own is very low.
- 7.4.2. The appeal site slopes down from south-east to north-west towards Lough Briskeen. Natural flow paths are to the east and west of the appeal site on the short streams from turloughs. The development to be retained is not obstructing natural flow paths.

The risk of groundwater flooding from the turloughs and Lough Briskeen is low on the stables to be retained.

- 7.4.3. Runoff from the proposed development is used in rainwater harvesting or in the absence of rainwater harvesting directed into a soak area to the west of the stables and is not discharged directly to the lake. Therefore the development does not exacerbate flood risks or cause flooding elsewhere.
- 7.4.4. The finished floor level of the stables to be retained is 26.25m AOD and 7.25m above groundwater flood risk level. Based on the freeboard available the finished floor level of the stables to be retained is deduced as on Flood Zone C and is at very low risk of flooding even after taking account of climate change. A justification test is not required.
- 7.4.5. Having regard to the information available on the appeal file I am satisfied that the groundwater flood risk at the stables site is low and that the development to be retained does not exacerbate flood risk or cause flooding elsewhere.

7.5. **Appropriate Assessment**

- 7.5.1. The applicant has submitted a screening report for Appropriate Assessment as part of the planning application; *Habitats Directive Screening of a Proposed Development at Knockauncoura, Gort* prepared by Noreen McLoughlin (March 2021) refers. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicants AA Screening Report concluded that *in view of best scientific knowledge and on the basis of objective information that this application, whether individually or in combination with other plans and projects, will have no impacts upon the Natura sites. The integrity of these sites will be maintained, and the habitats and species associated with these sites will not be adversely affected. It is the opinion of the author that this application does not need to proceed to Stage II of the Appropriate Assessment process.*
- 7.5.2. The site description and proposed development are set out in Section 1.0 and 2.0 of this report above. The applicant provides a description of the project on pages 11 of the AA screening report. In summary, the development comprises:

- The retention of horse stables that are located within an existing horse stable and training yard.
- The existing stables on site holds 20 horses and the new structure requiring retention holds an additional 6.
- All manure produced by the horses is stored on an existing manure pit in the site until it is spread within the site.
- All manure and waste will be spread within the site and none will be exported.
- All manure will be used in accordance with SI 305 of 2017
- Clean surface water from the site is directed into a soakaway that is close to the building requiring retention

7.5.3. The development site is described in pages 15 to 18 of the Screening Report. The dominant land use surrounding the site is agriculture and improved agricultural grasslands is the dominant habitat locally. Other habitats surrounding the site include wet grasslands, semi improved grasslands, watercourses, treelines and hedgerows. The site is also close to the Burren, which consist of karst, scrub and grasslands. The dominant habits within the site include buildings and artificial surfaces and improved grassland. There is one protected mammal species from within the relevant 1km square of the proposed development; the badger and it is fully protected under the Irish Wildlife Acts. There is a water feature close to the northern site boundary and this is likely to flow towards Lough Briskeen, which is 148m north of the site. The Drumminacloy Stream is 445 m east of the site and flows north towards Lough Nacarriga. The site is in the Caherglassaun Turlough Ground Waterbody. The overall status of this waterbody is described as poor and this is unsatisfactory. Groundwater on this site ranges from extreme – bedrock at surface – high. There are no notable karst features within the application site.

7.5.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Operational related -uncontrolled surface water/silt/ operational related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (operational)

7.5.5. The horse stable is not located within or directly adjacent to any Natura 2000 sites and there are no proposals for works to any European Site. It is noted that the East Burren Complex SAC (Site Code 001926) directly adjoins the red line boundary of the appeal site to the north.

7.5.6. **Stage 1 Screening for Appropriate Assessment**

7.5.7. As stated the development site is not located in a European site, however, the East Burren Complex SAC (Site Code 001926) directly adjoins the red line boundary of the appeal site to the north. The Horse Stables to be retained are set back from this SAC. A summary of 29 European Sites that occur within 15 km possible zone of influence of the proposed development was considered in the Screening Report and are presented in the table below. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified in Stage 1 of the AA are acceptable.

Site Name & Code & Conservation Objective	Distance from Proposed Development	Qualifying Interest
<p>East Burren Complex SAC 001926</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest</i></p>	<p>Adjacent</p>	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp Turloughs Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation Alpine and Boreal heaths Juniperus communis formations on heaths or calcareous grasslands Calaminarian grasslands of the Violetalia calaminariae Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) Calcareous fens with Cladium mariscus and species of the Caricion davallianae</p>

		<p>Petrifying springs with tufa formation (Cratoneurion)</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Caves not open to the public</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary)</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat)</p> <p><i>Lutra lutra</i> (Otter)</p>
<p>Termon Lough SAC 001321</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	1.1km south	Turloughs
<p>Coole Garryland Complex SAC 000252</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	1.3km north	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p> <p>Turloughs</p> <p>Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i> p.p. vegetation</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>Limestone pavements</p> <p><i>Taxus baccata</i> woods of the British Isles</p>
<p>Coole Garryland Complex SPA 004107</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the</i></p>	1.7km north	Whooper Swan (<i>Cygnus Cygnus</i>)

<i>favourable conservation status of habitats and species of community interest.</i>		
Lough Cutra SAC 000299 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	4.6km east	Rhinolophus hipposideros (Lesser Horseshoe Bat)
Caherglassaun Turlough SAC 000238 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	5.1km north	Turloughs Rivers with muddy banks with Chenopodium rubri p.p. and Bidention p.p. vegetation Rhinolophus hipposideros (Lesser Horseshoe Bat)
Lough Cutra SPA 004056 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	5.6km south-east	Cormorant (Phalacrocorax carbo)
Kiltartan Cave SAC 000286 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and</i>	6.3km north	Caves not open to the public Rhinolophus hipposideros (Lesser Horseshoe Bat)

<i>species of community interest.</i>		
Slieve Aughty Mountains SPA 004168 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	6.8km east	Hen Harrier (<i>Circus cyaneus</i>) Merlin (<i>Falco columbarius</i>)
Cahermore Turlough SAC 002294 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	7km north	Turloughs
Cregg House Stables Crusheen SAC 00217 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	7.3km south east	Rhinolophus hipposideros (Lesser Horseshoe Bat)
Ballyogan Lough SAC 000019 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and</i>	7.8km south	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>

<i>species of community interest.</i>		
Ballinduff Turlough SAC 002295 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	7.9km	Turloughs
Carrowbaun Newhall and Ballylee Turlough SAC 002293 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	8km north east	Turloughs
Moyree River Stream SAC 000057 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	8.3km south	Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachion vegetation Alkaline fens Limestone pavements Caves not open to the public Rhinolophus hipposideros (Lesser Horseshoe Bat) Lutra lutra (Otter)
Gortacarnaun Wood SAC 002180 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation</i>	8.9km east	Old sessile oak woods with Ilex and Blechnum in the British Isles

<i>status of habitats and species of community interest.</i>		
Lough Coy SAC 002117 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	9km north east	Turlough
Drummin Wood SAC 002181 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	9.4km east	Old sessile oak woods with Ilex and Blechnum in the British Isles
Galway Bay Complex SAC 000268 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	10.5km north west	Mudflats and sandflats not covered by seawater at low tide Coastal lagoons Large shallow inlets and bays Reefs Perennial vegetation of stony banks Vegetated sea cliffs of the Atlantic and Baltic coasts Salicornia and other annuals colonising mud and sand Atlantic salt meadows (Glauco-Puccinellietalia maritimae) Mediterranean salt meadows (Juncetalia maritimi) Turloughs Juniperus communis formations on heaths or calcareous grasslands

		<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae</p> <p>Alkaline fens</p> <p>Limestone pavements</p> <p>Lutra lutra (Otter)</p> <p>Phoca vitulina (Harbour Seal)</p>
<p>Inner Galway Bay SPA 004031</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	10.5km north west	<p>Black-throated Diver (Gavia arctica)</p> <p>Great Northern Diver (Gavia immer)</p> <p>Cormorant (Phalacrocorax carbo)</p> <p>Grey Heron (Ardea cinerea)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota)</p> <p>Wigeon (Anas penelope)</p> <p>Teal (Anas crecca)</p> <p>Red-breasted Merganser (Mergus serrator)</p> <p>Ringed Plover (Charadrius hiaticula)</p> <p>Golden Plover (Pluvialis apricaria)</p> <p>Lapwing (Vanellus vanellus)</p> <p>Dunlin (Calidris alpina)</p> <p>Bar-tailed Godwit (Limosa lapponica)</p> <p>Curlew (Numenius arquata)</p> <p>Redshank (Tringa totanus)</p> <p>Turnstone (Arenaria interpres)</p> <p>Black-headed Gull (Chroicocephalus ridibundus)</p> <p>Common Gull (Larus canus)</p> <p>Sandwich Tern (Sterna sandvicensis)</p> <p>Common Tern (Sterna hirundo)</p> <p>Wetland and Waterbirds</p>
<p>Peterswell Turlough SAC 000318</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and</i></p>	11km north east	<p>Turloughs</p> <p>Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation</p>

<i>species of community interest.</i>		
<p>Ardrahan Grassland SAC 002244</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	11.6km north	<p>Alpine and Boreal heaths</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>Limestone pavements</p>
<p>Dromore woods and Loughs SAC 000032</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	12km south	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Limestone pavements</p> <p>Rhinolophus hipposideros (Lesser Horseshoe Bat)</p> <p>Lutra lutra (Otter)</p>
<p>Corofin woods SPA 004220</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>	12.1km south west	<p>Little Grebe (Tachybaptus ruficollis)</p> <p>Whooper Swan (Cygnus cygnus)</p> <p>Wigeon (Anas penelope)</p> <p>Teal (Anas crecca)</p> <p>Black-tailed Godwit (Limosa limosa)</p> <p>Wetland and Waterbirds</p>
<p>Lough Fingall Complex SAC 000606</p> <p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and</i></p>	12.8 north	<p>Turloughs</p> <p>Alpine and Boreal heaths</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p>

<i>species of community interest.</i>		Calcareous fens with Cladium mariscus and species of the Caricion davallianae Limestone pavements Rhinolophus hipposideros (Lesser Horseshoe Bat)
Kiltiernan Turlough SAC 001285 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	13.6km north	Turloughs
Moneen Mountain SAC 000054 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	13.7km west	Turloughs Alpine and Boreal heaths Juniperus communis formations on heaths or calcareous grasslands Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) Petrifying springs with tufa formation (Cratoneurion) Limestone pavements Euphydryas aurinia (Marsh Fritillary) Rhinolophus hipposideros (Lesser Horseshoe Bat)
Glendree Bog SAC 001912 <i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i>	14.2km south east	Blanket bogs (* if active bog)
Castletaylor Complex SAC 000242	14.5km north	Turloughs Alpine and Boreal heaths

<p><i>The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.</i></p>		<p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>Limestone pavements</p>
---	--	---

7.5.8. Section 3.4 of the Screening Report sets out the potential significant effects of the proposed development on the Natura 2000 identified (see below). It is considered that there is no risk to the qualifying interests of the following sites:

1. Termon Lough SAC 001321
2. Coole Garryland Complex SAC 000252
3. Coole Garryland Complex SPA 004107
4. Lough Cutra SAC 000299
5. Caherglassaun Turlough SAC 000238
6. Lough Cutra SPA 004056
7. Kiltartan Cave SAC 000286
8. Slieve Aughty Mountains SPA 004168
9. Cahermore Turlough SAC 002294
10. Cregg House Stables Crusheen SAC 00217
11. Ballyogan Lough SAC 000019
12. Ballinduff Turlough SAC 002295
13. Carrowbaun Newhall and Ballylee Turlough SAC 002293
14. Moyree River Stream SAC 000057
15. Gortacarnaun Wood SAC 002180
16. Lough Coy SAC 002117
17. Drummin Wood SAC 002181
18. Galway Bay Complex SAC 000268
19. Inner Galway Bay SPA 004031

20. Peterswell Turlough SAC 000318
21. Ardrahan Grassland SAC 002244
22. Dromore woods and Loughs SAC 000032
23. Corofin woods SPA 004220
24. Lough Fingall Complex SAC 000606
25. Kiltiernan Turlough SAC 001285
26. Moneen Mountain SAC 000054
27. Glendree Bog SAC 001912
28. Castletaylor Complex SAC 000242

from the construction and operation of the proposed development given that no works will take place within or adjacent to these designated sites and given the distance and intervening lands. While the proposed development involved construction and operational works, which may have caused the release of suspended sediments and could have potentially caused accidental spills of oil or other toxic chemicals (in a worst-case scenario) such an impact, if it were to have occurred would not affect these sites given their locations and absence of any direct pathways. It is therefore concluded given the distance, the lack of hydrological connectivity and lack of impact pathways that there was no potential for construction and operational works to impact on these Natura 2000 sites and they have been screened out from further consideration.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The retention of the 6 horse stable will have no significant effects upon the designated sites identified, most notably the East Burren Complex SAC which is adjacent to the site. There are no individual elements of the retention of the structure that are likely to give rise to negative effects on any European site. There will be no potential direct, indirect or cumulative impacts upon the designated sites arising from the retention of the stables or the ongoing operation of the facility when considered in-combination with other developments. There will be no emissions from the stables that will affect European site and all horse manure will be stored and used within the appeal site boundary.

A Flood Risk Assessment report for the site has been prepared by Hydro-S. This report concluded that the groundwater flood risk at the stables site is low and that the development to be retained does not exacerbate flood risk or cause flooding elsewhere.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and Scale – The retention application pertains to a 6 horse stable at a facility that has been operational for a number of years. Given the small size and scale of the development in relation to the Natura 2000 sites identified, then the likelihood of any direct, indirect or cumulative impacts on these designated sites are low.

Land Take – There was no land take from any designated site. There was no interference with the boundaries of any designated site.

Distance from Natura 200 Site or key feature site – In total, there are 29 Natura 2000 sites within 15km of the appeal site. the closest European Site to the appeal site is the East Burren Complex SAC and this is adjacent to the application site.

Resource Requirements (water abstraction etc) – No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

Emissions – The construction of the horse stables was mid-site, away from all watercourses and it did not lead to any run-off or emissions which would lead to impacts upon the East Burren Complex SAC. During operation, clean surface water will continue to be directed to the existing soak pit. Horse manure will be stored on site and when ready, it will be used within the site. There will be no exportation of the manure off the site. All manure will be used in accordance with SI 605 of 2017.

Excavation Requirements – There were no excavation requirements in any European Sites.

Transportation Requirements – There were no additional transportation requirements resulting from the retention and associated works that had any effect upon the European sites.

Duration of construction, operation, decommissioning etc – The operation of the facility will be ongoing.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area – The application site lies outside the boundaries of the European sites identified above. There was no reduction of designated habitat area. There was no interference with the boundaries of any designated site.

Disturbance to key species – There was no disturbance to any species listed in annex I of the Birds directive or Annex II of the Habitats Directive.

Habitat or species fragmentation – There was no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the application site and any Natura 2000 site were damaged or destroyed.

Reduction in species density – There was no reduction in species density within the Natura 2000 sites.

Changes in key indicators of conservation value (water quality etc) – The spreading of horse manure within the requirements of SI 605 of 2017 (as amended) will ensure the protection of groundwater locally and in non-designated areas.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationship that define the structure or function of the site – It is not considered likely that there were any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified
Provide indicators of significance as a result of the identification of effects set out above in terms of:
Estimated percentage of lost area of habitat – none
Fragmentation – none
Disruption and disturbance – none
Change to key elements of the site (e.g water quality) - none

- 7.5.9. Notwithstanding the forgoing I am concerned that it cannot be determined with certainty *that the retention of the 6 horse stable will have no significant effects upon the designated sites identified, most notably the East Burren Complex SAC which is adjacent to the site.* During the construction phase activities that would have taken place would have included excavation of the site, site levelling and potentially rock breaking to prepare the site for the proposed development. Potential impact pathways are restricted to hydrological pathways. All other potential emission pathways such as noise, aerial and visual are not relevant due to the nature of the project and the distance separating the project from surrounding European sites.
- 7.5.10. I am concerned that although the application was accompanied by a Screening Report that the potential significant impacts cannot be assessed retrospectively in the absence of an NIS. Given the elevated nature of the site relative to the adjoining East Burren Complex SAC, the opening of foundations and ground works had significant potential to create preferential surface water pathways to the adjoining SAC. No information has been provided to confirm construction techniques which may have necessitated mitigation measures to be identified by way of works. Therefore, a remedial NIS may be required. I note that the Board is precluded from granting planning permission where an NIS is required.
- 7.5.11. As set out in the foregoing assessment there is no objection to the proposed scheme however, as this appeal relates to an application for permission for retention of development for which an NIS would have been required the Board is precluded from further consideration of the appeal. Refusal is therefore recommended.

7.6. Other Issues

- 7.6.1. **Development Contribution** – I refer to the Galway County Council Development Contribution Scheme. The proposed development is not exempt. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **REFUSED** for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the nature of the proposed scheme comprising the retention of horse stables within an established equestrian yard and training area together with the objectives set out in the Galway County Development Plan 2015 – 2021, the AA Screening Report submitted with the application entitled Habitats Directive Screening of a Proposed Development at Knockauncoura, Gort and proximity to the East Burren Complex SAC (Site Code 001926) that directly adjoins the red line boundary of the appeal site to the north, it is considered that, it cannot be determined with certainty that the retention of the 6 horse stable block will have no potential significant effects upon the East Burren Complex SAC, given the elevated nature of the site relative to the adjoining East Burren Complex SAC, the opening of foundations and ground works had significant potential to create preferential surface water pathways to the adjoining SAC. No information has been provided to confirm construction techniques which may have necessitated mitigation measures to be identified by way of works. The potential significant impacts cannot be assessed retrospectively in the absence of an NIS and, therefore, the Board is precluded from further consideration of the appeal.

Mary Crowley
Senior Planning Inspector
4th February 2022