



An  
Bord  
Pleanála

## Inspector's Report

**ABP-311630-21**

<b>Development</b>	Permission for expansion to the recreational, sports and amenity facilities at Rinville Park & Rinville West. A Natura Impact Statement has been submitted with the proposals.
<b>Location</b>	Rinville West, Oranmore, Galway.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	21/614
<b>Applicant(s)</b>	Rinville Sports project Committee
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party(s)
<b>Appellants</b>	<ol style="list-style-type: none"><li>1) James Mansfield &amp; other Rinville residents</li><li>2) Renville residents cx/o Adam Kearney, Planning Consultant.</li></ol>
<b>Date of Site Inspection</b>	23rd day of August 2022
<b>Inspector</b>	Fergal Ó Bric.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in a rural area, approximately 2.5 kilometres southwest of the centre of Oranmore within the townland of Rinville West at the north-eastern end of the Rinville peninsula. The site is located south-east of Rinville Park and Woodland. On the western end of the peninsula is Galway Bay Golf Resort and Country Club, the Marine Institute, and to the south is the Galway Bay Sailing Club.
- 1.2. The site is undulating in nature and consists of open grasslands interspersed with hedgerows and fencing. The site is elevated to the south and levels fall towards the north and there are views from the more elevated part of the site over Galway Bay.
- 1.3. The site has a stated area of 13.1 hectares. Vehicular access to the site currently via an entrance off the L-8104 Maree Road with a pedestrian access gate via the L-81043 Rinville Road. There is hard surfaced car park area that is used to access the looped walkway, cemetery and car park. There is also a public car park area, immediately north of and contiguous to the appeal site boundary from where one can also access the looped walkway, cemetery and car park.
- 1.4. Inside the main vehicular entrance gate is a gate lodge (a protected structure RPS no. 242) which was the gate lodge to the Rinville House, now in ruins. The boundary walls are also identified as being part of a protected structure (RPS number 230-Rinville House Estate), being the original boundary walls of Rinville House.

## **2.0 Proposed Development**

- 2.1. The development would comprise the following:
  - Replacement of stone wall at the north corner of the junction of County - Roads the L-8014-22 and L-81043-0 and along the north-eastern edge of L-81043-0 with a new recessed stone wall, installation of new footpath and public lighting. This part of the site is located within the curtilage of a protected structure RPS 230 and 242.
  - A public playground area complete with play equipment.

- A looped amenity walkway throughout the site and connectivity to existing amenity walkways at Rinvile Park.
- 3 grass playing pitches (pitches 1,2 & 4).
- 1 all-weather synthetic playing pitch (pitch no. 3).
- 3 warm up/training areas.
- Site lighting, together with 6 no. 21m high floodlighting masts to both pitches 2 and 3 (12 no. masts in total with an average spread of 500 lux at pitch level).
- Retractable netting system (30 metres long by 15 metres high) located behind each goals of the 4 playing pitches.
- A covered terrace for standing/seating to pitch no. 1.
- A single-storey machinery building (163 sq. m).
- A single-storey toilet block (50 sq. m.).
- A hurling wall.
- 234 number car parking spaces, 6 coach spaces and provision for internal access roads.
- 184 bicycle parking spaces.
- Vehicular and pedestrian access to L-80143 local road to the south of the site to serve the development and for revised access to serve the existing car parks.
- Vehicular access road to serve machinery shed onto L-451005 to the north of the site.
- Perimeter fencing to pitches and boundary treatment to site, landscaping and site drainage works and all associated site works and services.
- Proprietary wastewater treatment plant with polishing filter.
- An NIS will accompany this proposals.

2.2. The development seeks to provide facilities for the amalgamated Oranmore/Maree GAA Club. The gross floor area of the proposed works is 213 square metres (sq. m), made up of the toilet block (50 sq. m) and the machinery shed (163 sq. m.).

- 2.3. The Planning documentation submitted with the proposals include An Appropriate Assessment (AA) screening Report, a Natura Impact Statement (NIS), an Ecological Impact Assessment (EclA), Planning Statement, Visual Impact Assessment (VIA), Traffic and Transport Assessment (TTA), Road Safety Audit (RSA), Archaeological Impact Assessment, Architectural Impact Assessment, Engineering Report and Floodlighting Impact Assessment (FIA) accompanied the planning application.
- 2.4. Further information was submitted by the applicants in relation to the following: Details of entrance widths, sightlines and an updated Road Safety Statement; Revised access proposal to the machinery shed, including the omission of the dedicated access for the machinery shed; Realignment of footpath at the junction of the Maree and Rinville Roads and details of surface water drainage at this junction; Surface water management proposals from the pitches, buildings and car park area and ensuring that surface water proposals are consistent with mitigation measures outlined in the NIS and revised landscaping proposals in the vicinity of the cemetery.
- 2.5. A letter confirming that Galway County Council and Galway City Council are joint owners of Rinville Park consenting to the making of the planning application on their lands has also been submitted

### **3.0 Planning Authority Decision**

- 3.1. The Planning Authority (PA) granted planning permission by order dated the 20th day of September 2021, subject to 14 conditions. The following conditions are of note:

Condition 3(a) refers to submitting detailed design for the setting back of the stone wall boundary and tie-in of the footpath with the road carriageway.

Condition 3 (b) that the measures recommended with the Road Safety Audit be incorporated within the development.

Condition 3 (e) that sight distance triangles be maintained and kept free of obstruction

Condition 3(h) That a construction traffic management plan be submitted prior to the commencement of development.

Condition 4: The wastewater treatment plant and polishing filter be installed in accordance with EPA Code of Practice and a maintenance agreement for the system be submitted.

Condition 6: The use of the all-weather pitches not extending beyond 22.00 hours

Condition 7 refers to the operation of the floodlights between 0900- 2200 Monday to Saturday and between 0900 -2100 on Sundays.

Condition 8 refers to the design and orientation of the floodlights as per details submitted to the Planning Authority.

Condition no. 11 requires a Construction Management Plan to be submitted and agreed prior to the commencement of the development.

Condition no. 12 requires a Construction stage Traffic Management Plan to be submitted and agreed prior to the commencement of the development.

Condition no. 13 refers to fencing off of the Tureen stream during development works.

Condition no. 14 refers to archaeological investigations of any archaeological features uncovered during excavation works and the maintenance of a 15m buffer zone between the development and the Recorded Monument GA095-130 Ringfort.

### **3.2. Planning Authority Reports**

The Planner's reports are summarised as follows:

The initial report notes the site is not located within a flood zone, the submissions on file and the report from the Roads Department in relation to entrance width, sightlines and the implementation of recommendations within the Road Safety Audit.

The comments from the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (DTCAGSM) in relation to Appropriate Assessment and Archaeology are also noted. It is noted that Galway County Council and Galway City Council are the part owners of the lands within the appeal site boundary. The report recommended further information be sought in relation to the matters set out above within Section 2.4 of this report.

The subsequent planning report noted the content of the further information response received from the applicants on the 24<sup>th</sup> day of August 2021, and the comments received from the Roads Department within Galway County Council and considered that the proposals were in accordance with the proper planning and sustainable development of the area and recommended that planning permission be granted subject to the conditions set out within Section 3.1 above

### **3.3. Other Technical Reports**

Roads Department – In their initial report they sought that the width of the entrance points be widened to provide for two vehicles to pass simultaneously, details of sightlines at the entrance points and revised drawings/reports implementing the recommendations set out within the Road Safety Audit. The subsequent Roads Department report following the review of the further information response recommended conditions be attached in relation to maintaining sight triangles free from obstruction, details of tie-ins between footpaths with the public carriageway and that all recommendations set out within the Road Safety Audit be implemented and that a traffic management plan be submitted as well as details of public lighting.

Environment Department: No objections, subject to conditions.

### **3.4. Prescribed Bodies**

Department of Tourism, Culture, Arts, Gaeltacht Sports and Media (DTCAGSM) noted the content of the archaeological assessment submitted which set out that given the scale, extent and location of the development, it is possible that further subsurface archaeological remains could be encountered during construction. The report referenced the archaeological investigations that had been conducted within

the appeal site and the recommendations in relation to maintaining a 15 metre buffer around the recorded monument-GY015-130-a ringfort. The report recommends a number of conditions to be attached to any grant of planning permission, including that archaeological monitoring of the development be conducted by a licensed archaeologist.

In relation to Nature Conservation the DTCAGSM recommended the Tureen stream is fenced off during the course of development works, leaving an adequate buffer distance between any works and the stream to prevent spillages of materials/hydrocarbons entering the stream.

### **3.5. Third Party Observations**

Fourteen third party observations were received. The majority of the observations were from neighbouring residents within the Rinvile area. The concerns raised are similar to those raised in the third-party appeal except for the following:

- Suitability of location of development
- Access, road and safety concerns.
- Poor connectivity to Oranmore
- Visual impact of development
- Impact upon amenities of neighbouring residents.
- Impact upon the adjacent European sites
- The Planning history in the area
- Impact upon burial services within Rinvile Cemetery
- Impact upon built and archaeological heritage
- Floodlights would adversely impact upon neighbouring residential properties
- Contrary to the policies and objectives within the Development Plan.
- Lack of consultation with neighbouring residents.

## 4.0 Planning History

Appeal Site:

Planning Authority reference number 18/1422, In 2019, Galway County council granted planning permission for the development of sports and recreational facilities on the lands, Under Board reference number 305015-19, in 2020, the Board overturned the PA's decision and refused planning permission for one reason as follows:

1- It is considered that the proposed development would endanger public safety by reason of traffic hazard, due to the additional traffic turning movements which the proposed development would generate at the junction of the L81043/L-8104 Maree Road, at a point where the general speed limit applies and where sightlines are restricted in both directions and in the absence of any specific measures confirmed as part of the proposed development, to address these deficiencies within the existing junction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

History on neighbouring lands:

GCC16/1481 / ABP247936 - Planning permission refused in 2017 to retain and complete agricultural shed consisting of stables, agricultural storage shed/haybarn together with ancillary site works for two reasons -

1. Undesirable precedent in a High Landscape Sensitivity (Class 3) location and the Landscape Conservation and Management Policies LCM1 - Objectives LCM1 and LCM 2

2. Sight distance availability and Traffic Safety

PL. Ref. No. LA1110 - Part 8 planning permission granted by Galway County Council for the extension of Rinvile Graveyard to the south-west of the site in 2010.

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022-28



Oranmore is one of the three settlements located within the Metropolitan Area Strategic Plan (MASP) outside of the city itself. The appeal site is located in a rural area, adjacent to, but outside of the development boundary of the Oranmore Metropolitan Area Plan 2022-2028.

Section 2.13.8 of the Oranmore Metropolitan Settlement specifically references Rinvile Park where the following is set out “Rinvile Park is located to the south of Oranmore and provides a valued passive open space where visitors can utilise the network of walking trails available”

Map 8.2-Landscape Sensitivity Map identifies the lands as being within Class 3, as having a ‘high’ landscape value. These landscapes are deemed to have a high sensitivity to change.

Protected Viewpoint 35 is identified as being in Rinvile overlooking Galway Bay and is of regional importance.

Appendix 4 of the Plan sets out the following in relation to this view “This view is from two points: The Rinvile Park parking and picnic area and the Marina. The focus of this view is the enclosed marine waters and the view out over Galway Bay from the Marina.

#### Landscape:

Policy Objective LCM 1-Preservation of landscape character

Policy Objective LCM 3-Landscape Sensitivity ratings.

Section 11 of the Plan pertains to Community Development and Social Infrastructure. A number of specific policy objectives are relevant to the current proposals as follows:

SC 1 Social and Community Infrastructure in the County

To support the policy objectives and actions set out in the National Planning Framework, Regional Spatial and Economic Strategy (RSES), Galway Local

Economic and Community Plan 2016-2022 (and any subsequent LECP) and relevant National Guidance documents to strengthen community and social development in the County.

#### MU 1 Multi - Use Community Facilities

Encourage and support the provision and extension of Multi-Use Community Facilities, where feasible, which encourage sharing and integration of community facilities designed for multi-use activities by community groups

#### SRA 1 Sport, Amenity and Recreation

Support local sports groups and community groups in the development, improvement and expansion of authorised facilities for sporting and recreational needs of all sectors and ages through the reservation of suitable land where available and appropriate.

SRA4: To develop multifunctional open spaces throughout the County which will support a range of recreational and amenity activities that provide for active and passive needs.

YP 2 Provision of Recreational areas in public playgrounds Endeavour to improve the provision of public playgrounds to allow for recreational areas for the elderly and the youth in appropriate locations across the county with particular emphasis on those areas with greatest need.

#### Architectural Heritage

AH1 Ensure the protection of the architectural heritage of County Galway, which is a unique and special resource, having regard to the policy guidance contained in the

Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).

## Archaeological Heritage

### ARC 4 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, or that are newly discovered and seek to protect important archaeological landscapes.

### ARC 5 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 will take account of the archaeological heritage of the area and the need for archaeological mitigation.

MU 1 Multi - Use Community Facilities Encourage and support the provision and extension of Multi-Use Community Facilities, where feasible, which encourage sharing and integration of community facilities designed for multi-use activities by community groups.

### **Development Management Standards:**

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads

Road junction visibility requirements shall comply with Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) (DN-GEO-03060) for rural roads.

DM Standard 53: In assessing planning applications for leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities and other community oriented development, regard will be taken of the following considerations:

- Overall need in terms of existing infrastructural deficit and opportunity for community gain.
- Practicalities of site location in terms of relating to uses, impact on local amenities, desirability and accessibility.
- Potential for multifunctional use of community facilities.

#### Section 15.11 Architecture, Archaeology and Culture

The following requirements shall be applied with respect to protected or proposed protected structures, as appropriate:

- a) Conservation measures/proposals for development which include a protected structure will be required to incorporate measures to protect, conserve and enhance the character and appearance of the structure.
- b) Development works/proposals involving material alteration or addition to a protected structure require planning permission and will be required to show the following:
  - It is compatible with and will not detract from the special character of the structure and its setting.
  - It complements and reflects the design and character of surrounding buildings and area.
  - Features of architectural or historic interest and the historic form and structural integrity of the structure are retained.

- Architectural features shall match those or be in keeping with the traditional detailing of the structure.
- Proposals for development that compromise the setting of protected structures, or which will result in material alteration or demolition of structures will only be permitted where the structure is not capable of repair.
- There is no compatible or viable alternative use for the structure.

DM Standard 59: Architectural Heritage Assessment report

DM Standard 61: Archaeological Conservation and Preservation (Urban & Rural Areas).

## 5.2. **National Policy**

### 5.2.1. **National Planning Framework 2040**

A number of the National Strategic and Policy Objectives within the NPF are considered relevant to the current proposals, including the following:

NSO 3: pertains to strengthening rural economies and communities.

NSO 7 pertains to Enhanced amenities and heritage and among the specific actions are to: Open up our heritage estates to public access, where possible and invest in and enable access to recreational facilities, including trails networks, designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and providing a wellbeing benefit for all

NPO 27 Seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

NPO 28 aims to plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

NPO 30 indicates that local planning, housing, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

### **5.2.2. Architectural Heritage Protection Guidelines, Guidelines for Planning Authorities, 2011**

The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, offers guidance to planning authorities on determining planning applications in relation to protected structures.

Chapter 2 of the Guidelines deals with Protected Structures.

Chapter 7: Principles of Conservation. A number of the key principles are particularly relevant to these particular proposals as follows:

Section 7.5: Using expert conservation advice.

Section 7.12: Ensuring reversibility of alterations.

Chapter 13: Curtilage and Attendant Grounds:

Section 13.5: Development within the Curtilage of a Protected Structure'

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

The appeal site is lot located within the bounds of a European site. The closest Natura 2000 sites is the Inner Galway Bay SPA (Site code 004031), is located approximately 350 m from the northern site boundary and 360m from the southern site boundary. The Galway Bay Complex SAC (Site code 00268) is similarly located

approximately 360 metres to the north and west of the site, on the opposite side of the Rinvile Road, and approximately 360m from the southern site boundary. Cregganna Marsh SPA (Site Code 004142) is located approximately 1.1km east of the site. An AA screening Report and a Natura Impact Statement were submitted as part of the planning documentation.

The closest Natural Heritage Area (NHA) is the Galway Bay Complex NHA, (site code 000268), which at its closest point is located approximately 360 metres kilometres to the north and west of the appeal site boundary.

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

- 5.4.1. It is proposed to develop sports and recreational facilities on a site comprising 13.1 hectares. Schedule 5, Section 10(b) (iv) of the Planning and Development Regulations 2001 (as amended) requires that an EIS to be submitted in the case of “urban development” which would involve an area greater than 20 hectares. The proposal in this instance relates to the expansion of a recreational facility and the development of sports facilities. The majority of the proposals relate to the provision of playing pitches and practice areas and ancillary infrastructure in terms of floodlights and netting behind goals, toilets and a machinery shed. These are considered to constitute a low intensity use. There are no other projects listed under sub-sections 10, 11 or 12 within Schedule 5 of the Regulations, which relate to the development of recreational/sports facilities.
- 5.4.2. I, therefore, do not consider that the submission of a mandatory EIAR in accordance with the Regulations is required in this instance. This is based on the fact that the development of the 13.1 hectare facility would be sub-threshold and significantly below the mandatory threshold of 20 hectares. The development would largely comprise grassed playing pitches, and by virtue of the nature of the development would not be so sensitive as to warrant the submission of an EIAR. Furthermore, I note that the applicant has submitted a number of environmental reports as part of the planning documentation, which in themselves assess the potential impact of the proposal on the receiving environment.

5.4.3. In conclusion, having regard to the nature and scale of the development, the nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the development would not be likely to have significant effects on the environment, and that the submission of an Environmental Impact Statement is not required in this instance. The need for environmental impact assessment can, therefore, be excluded at preliminary examination.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two third-party appeal submissions were made in relation to the development. The first appeal was made by the James Mansfield and other residents of Rinvile, and the second appeal submission has been made by Adam Kearney, Town Planning Consultant on behalf of a number of residents of Rinvile. There is some crossover in the content the two appeal submission and therefore, in order to avoid repetition, I have summarised the issues raised under a number of topic headings.

Principle of Development:

- The scale and location of the development, within a rural area and outside of a designated urban development boundary and removed from the location of the applicants' current sports facilities is considered inappropriate.
- Proposals are contrary to Community facilities and recreational policy objectives set out within the Galway Development Plan.
- Policy objectives in the Development Pan allow for a modest expansion of existing authorised sports facilities.
- Rinvile Park is a municipal Park or recreational public open space, there are no sporting facilities located in Rinvile Park currently.
- The Oranmore Maree GAA club should expand at their existing bases in Oranmore and Maree where they are highly accessible within the communities, rather than relocating to this rural area.
- The scale of the facility is more akin to a regional sports facility.
- There is no footpath linkage from Maree to the subject site.



- There are large tracts of land with the Oranmore development boundary zoned for community facilities, open space and agriculture that could provide for development of sports facilities.

#### Access and Traffic:

- The proposals would generate significant traffic movement to the area, given its location removed from Oranmore and Maree.
- The footpaths in the area are narrow, many at approximately 0.8 metres in width and there is no footpath connectivity in certain parts between the appeal site and Oranmore.
- The footpath between the appeal site and Oranmore is unlit along certain parts and therefore, unusable for certain parts of the year.
- The local road network cannot accommodate the size and scale of the development and the planning report fails to address the inadequacies in the road network and the associated safety and welfare of other road users.
- The Traffic and Transport Assessment (TTA) demonstrates inadequate or insufficient monitoring of traffic. It is set out that in order to ascertain traffic volumes a traffic counts should have been taken on L-8104 Maree Road approaching the junction with L-81043.
- The times of the Road traffic surveys were undertaken between 17.00 and 18.00 on weekdays and 13.00 and 14.00 on Saturdays, and the data gathered may not be relevant to sports club activities, which are often busy on Sundays and later in the evening times during weekdays. not the optimum time in terms of surveying traffic volumes.
- The volume of traffic referred to in the Road Safety Audit (RSA) is not reflective of the situation on the ground.
- Burials at Rinville cemetery, traffic to and from the Marine Institute, golf and sailing clubs have not been fully considered within the traffic counts.
- The new entrance point onto the Rinville Road requires third party consent in order to achieve the requisite sightlines.
- No traffic study was conducted in relation to the L-41005-the road to access the machinery shed.

- The intensification of traffic on the road network with restricted access could impede emergency access.
- There are no cycle lanes connecting the appeal site with Oranmore or Maree.

#### Environment, Climate and Health

- Pollution – Site drainage appears to entirely be directed into the Tureen Stream and concern is expressed regarding the risk of effluent from the treatment plant and construction activity runoff which may contain sediment or contaminants entering the stream and adversely impacting the highly sensitive environment.
- It is not appropriate that a 50 sq. m toilet block would serve a facility of this scale.
- It is noted the no drainage system is proposed on the northern side of the development adjacent to the European sites.
- Increased NO<sub>x</sub> and CO<sub>2</sub> emissions - as a result of traffic intensification.
- Health – Volume of traffic will adversely impact on health of people walking in the area.
- No noise assessment or outline how the EU's Environmental Noise Directive has been taken on board within the proposal.
- The increased noise levels during the construction and operation of the development would deter visitors from visiting Rinvile Park.

#### Flooding and \Surface Water Management:

- The drainage arrangements associated with pitch construction will interfere with naturally occurring water springs on the site.

#### Neighbouring Amenity:

- Effects of Artificial Light – Light pollution associated with the development may impact of adjoining lands where horses are breed.
- Light pollution – Reference is made to a 2006 report titled 'Artificial Light in the Environment' from the Royal Commission on Environmental Protection (UK) stating that 'Habitat degradation and chemical pollution are often cited as

causing biodiversity loss, but it is plausible that artificial light could be a contributory factor’.

- Reference is made to a UK policy on light pollution.

#### Architectural and Archaeological Heritage:

- There has been no input from the Heritage Officer within Galway County Council to the planning Report.
- The setting back of the boundary wall will irrevocably compromise the area.

#### Landscape:

- The common theme in the refusals of planning permission on the adjoining lands related to impact upon landscape character, the sensitivity of the landscape classification and the landscape sensitivity ratings.
- The machinery shed has been refused on a number of previous occasions due to its adverse impact upon the landscape.
- No photomontage imageries have been provided outlining any potential visual impact upon the local landscape arising from the development.

#### Other Issues:

- The necessity for an additional playground is queried noting the existing playground within Rinvile Park.
- The scale of the development would serve the sporting needs of clubs beyond the immediate area and is more akin to a regional sports facility.
- Potential adverse impact upon access and mourners to Rinvile Graveyard.
- The use of the facility will conflict with the use of the adjoining burial ground during burial times.
- The Planner’s report fails to give due consideration to the content of the observations.
- No reference is made to the unauthorised development within Rinvile Park.
- It is noted that a pavilion building to serve the development is not included within the current proposals, but it is clear that it will form part of a future

proposal within Rinville Park. A pavilion clubhouse is annotated within the Site Plan as being subject to a future planning application.

- Proposed Pavilion – Impact of the pavilion (club house) cannot be assessed. However, the photomontage would suggest a height of 8m and will be a building with significant prominence over the Rinville Park Area and would be contrary to landscape character policy objectives LCM 1 and LCM 2 within the development plan.
- Hurling wall/terrace area - is a retaining wall for the considerable earthwork spoils that will be created during the levelling works on site.
- The machinery shed constitutes an intrusive feature in the landscape and is contrary to policy objectives LCM 1 and LCM 2 within the development plan.
- The development may impinge on the possibility of creating, promoting or attracting tourist related business opportunities to the area and adversely impact upon the Wild Atlantic Way tourist route.
- No condition in relation to retaining a Project Ecologist during the course of the works has been included within the planning decision.
- Some mature trees would be knocked in order to allow for the setting back of the roadside boundary wall.
- There is an extensive planning history pertaining in the area including planning Authority reference numbers 16/1481, 18/1142 and 19/1653 relating to retention and completion of agricultural structures. All were refused permission by the PA and upheld by the Board under reference numbers PL07.247936, 302880-18 and 306464-20.
- Other unauthorised development has been developed on the property.
- Request that an Oral Hearing be conducted in relation to the proposals.

## **6.2. Applicant's response to appeal submission**

The applicant's issued a response to the issues raised within the third party appeal submissions which can be summarised as follows:

Principle of Development:

- The principle of the development was accepted by the Board under reference number 305015-18. The core issue raised in that instance was in relation to

the capacity of the local road network and the additional turning movements that the development would generate and the inadequate sightlines being available at the junction of the L8104 (Maree Road) with the L-81043 (Rinville Road). The applicants set out that these matters have been comprehensively addressed within the current proposals. The Board accepted all other key planning issues relating to the development proposals.

- The proposal relates to the development of facilities for the Oranmore Maree GAA club, which was formed following the merger of three clubs, the Oranmore Maree Gaelic football and hurling club, the Oranmore Maree Camogie club and the Naomh Mhuire ladies Gaelic football club which occurred in 2019.
- The club has a large catchment, stretching from Roscarl to the west, the M6 Motorway to the north, Derrydonnell to the east and Ballymanagh to the south. The club catchment is primarily rural in nature and the appeal site is centrally located within this catchment.
- The club has a membership of 1,550 persons. Over the last 5 years, the number of playing members has increased by 83%. The local community has been actively seeking a suitable site for the development since 2006. The club has 88 teams, availing of 3 dispersed local pitches in the Oranmore– Maree Area.
- The development is not a regional facility but a permanent home for the combined Oranmore Maree GAA Club which caters for boys and girls Gaelic football, boys hurling and girls' camogie and ladies and gents Gaelic football teams and ladies' camogie teams.
- The current pitch facilities are dispersed from each other, are not owned by the club and are community owned facilities and the clubs pay for using the facilities on a non-exclusive basis. The current playing facilities are no longer fit for purpose, are ill-equipped, scattered and isolated from each other. This presents logistical issues for fixtures and for families with players of different ages.
- The current facilities are not sand based and should not be played on from November to March to allow for regeneration/recovery of the grass pitches. All weather training facilities are required as pre-season practice often starts in

January. There is a scarcity of all-weather training facilities in the area. The proposed development would provide the all-weather facilities that GAA teams require, reduce the scattered and sporadic number of car dependant trips that currently take place between the three isolated pitch locations.

- Due to the large number of club teams, they require a large land area in order to cater for matches and practice sessions. This area of land would not be possible to find within an urban context, due to difficulties associated with large scale site assembly and the significant costs associated with the purchase or zoned serviced lands and would result in an unsustainable use of zoned serviced lands.
- A number of precedents in Galway have been referenced whereby sporting clubs have relocated to rural areas in order to provide improved and expanded facilities in line with growing club membership and growing numbers of teams. These include Salthill Devon, Colga FC and Clarinbridge and Claregalway GAA. Other examples outside of Galway of sporting facilities relocating to rural areas and permitted by the Board include facilities at Kilashee, Longford (Board reference number 239792) and Oran Roscommon (Board reference number 237407).
- A review of alternative sites considered in the Oranmore/Maree area has been submitted as part of the planning documentation within the appendices to the Planning statement.
- The development will replace outdated and dispersed GAA facilities in the area by providing a consolidated home for the Oranmore/Maree GAA club.
- The proposal is supported by policy objectives within the Development Plan including CF\$-To support the modest expansion of existing and authorised sporting facilities throughout the County”. There is an established cluster of sporting and recreational facilities already in the area in the form of sailing, golfing, swimming clubs, the lopped walkways, playground and outdoor gymnasium, and therefore, can be categorised as a modest expansion of existing and authorised sporting/recreational facilities at Rinvile.
- The Planner Inspector under Board reference number 305015 stated in her report “I consider the site to be a central location in terms of the catchment of the club. ... It would, therefore, be appropriate in my view to locate such a

facility in a rural area provided that the area is centrally located and easily accessible”.

- The development is compliant with National Planning Policy, in particular NPO 27 which seeks to “ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical facilities for all ages”. The current proposals adheres to this National policy objective, in terms of integrating facilities and facilitating multi-purpose trips where parents can walk/golf/swim while the kids are playing/practicing GAA.
- It is set out that the development will form a natural extension to the existing sporting recreational facilities at this location.

#### Access & Traffic

- The appellants have not raised any issue with the design solution set out to achieve the required sightlines at the Maree and Rinvile Road junction. Therefore, the appellants appear to accept that the proposals have addressed the Boards solitary area of concerns as set out under Board reference number 305015.
- Car parking provision is in line with development plan standards. However, if the Board considers the provision excessive, the applicant will reduce car parking by 20 spaces, should the Board be minded to grant planning permission.
- The car parking provision has been designed and informed by the TTA and the RSA.
- Additional car parking has been provided in order to cater for additional capacity for the cemetery and for visitors to Rinvile Park.
- The Board can reduce the number of car parking spaces if deemed appropriate, however no issue was raised by the Planning Inspector under 305015 in relation to car parking provision.
- The current practice of dispersed car trips to the three current GAA facilities, especially for families with children of varying ages would cease if the current proposal were permitted.

- There is continuous footpath connectivity between the appeal site and Oranmore except at the intersections with side roads.
- The TTA and the RSA both provided considerable detail to the capacity of the road network in the area. The Road Design Section within the Local Authority did not raise any issues in relation to the road capacity in the area.
- The traffic volumes associated with the Marine Institute, the sailing and golf clubs (during the peak tourism season) were taken into consideration as part of the traffic counts.
- The access to Rinvile Park and the cemetery will be improved as a result of the development.
- The Road safety issues raised within the RSA, Stage 1/2 are addressed as part of the recommended measures accepted and incorporated within the design of the set back and entrance splays, increased signage and road markings as set out within Appendix D-feedback form of the RSA.
- Access proposals were amended during the course of the application in response to the requirements of the Councils Road Section.
- The Maree Road L-8104 already accommodates club generated traffic movements from the existing GAA facilities in Maree.

#### Natural Heritage:

- Regarding the impact on Birds, results of wintering bird surveys have been incorporated in the NIS submitted. The NIS concluded that the impact on relevant bird species would be “negligible”.
- The amended NIS has regard to Construction Management proposals.
- A Bat Survey formed part of the Ecological Impact Assessment.
- The Ecological Assessment concluded that the floodlighting will not have a negative impact on birds or bats. It is set out that floodlighting is controlled by condition number 7, in terms of floodlights to be turned off no later than 22.00 when in use.

#### Archaeological and Built Heritage:



- The subject site has one Recorded Monument only and the proposal provided for an appropriate buffer zone. Archaeological and geophysical investigation were carried out in site and considered satisfactory.
- The Development Applications Unit reviewed the proposals and outlined no objections to the proposals.
- The Architectural Heritage Assessment addresses the proposed setting back and relocation of the walled boundary at the junction of the Rinvile and Maree Roads and sets out the following “the impact of the proposed development on the built heritage of the site will be relatively minor”.

#### Visual Impact:

- The nature of the proposed design will not result in an incongruous feature in the landscape in this location. This is examined and demonstrated in the Visual Impact Assessment and Photomontages which accompanied the application. It is set out that the development complies with the community facilities policies and objectives set out within the Galway County Development Plan.
- A Flood Lighting Impact Assessment accompanied the planning application. The report demonstrated that there are no surrounding properties within the lighting spill of the pitches that will have floodlights along their perimeters, including the adjoining farmlands where horses are bred. The appellants reference to UK repots and guidelines on floodlighting are not relevant.

#### Residential Amenity:

- With regards to the warmup area to the southeast of the site behind a number of residential properties that front onto the Maree Road, it is set out that this area will be used for occasional use such as infrequent tournament events.
- The site will consist of 70- 80% green playing fields. Additional landscaping will be carried out on site particularly to the south-east of the site adjoining the neighbouring residential properties and in the vicinity of the cemetery which will offset which issues in relation to residential amenity, impact upon burial services or in relation to emissions from vehicles.

- The issue of noise was assessed by the Planning Inspector under Board reference number 305015, and she deemed that the noise from pitches 1-4 would not give rise to levels which would significantly impact upon the appellants amenity and the noise from the warm-up area and pitch number 5 would be infrequent and not of an intensity which would adversely affect the appellants' amenity.

#### Surface Water Management and Flooding:

- The development has been designed to ensure that no adverse impacts will arise from surface water on site, details of surface water drainage and management proposals have been addressed including works to protect that Tureen Stream during construction. Surface water is controlled by the provisions of condition number 13(a).
- It is set out that there is no evidence of naturally occurring water springs on site.
- The surface water management proposals were addressed in detail within the further information response and the amended NIS and conditioned by the PA under condition number 13.
- The pitches would be underlain with pea gravel drainage channels.

#### Other Issues:

- The development does not fall into a category that requires the submission of an EIAR.
- The Burial ground at Rinville serves the local community as will the proposed development. The applicant will engage with the Church Authorities to ensure that matches and tournaments would not coincide with Burials.
- It is set out that the development will not impact on existing amenity walks but will rather extend the amenity walk.
- The planning application for the club house pavilion will be determined as part of a separate planning application and assessed on its own merits.
- In terms of availability of suitable zoned land within Oranmore, A consideration of alternative sites was submitted and set out that the

Community Facilities and agricultural zoned lands are of insufficient size and taken up with churches and schools and the open space lands comprise largely of flood zone areas, and therefore none are suitable for the development of pitch facilities.

- Written consent to the making of the planning application has been received from Galway City and County Councils.
- The machinery shed will be accessed from the main site entrance, as per the revised proposals submitted as part of the further information response.
- The appeal site is not located immediately adjoining the O'Shaughnessy horse breeding facility. The nearest floodlight would be 260 metres from the nearest part of the O'Shaughnessy property and 510 metres to their nearest stables.
- The floodlighting is only required in the evening time at certain times of the year and cannot operate beyond 10pm as per Condition number 6 of the PA's decision.
- Floodlights are only proposed for pitches 2 and 3 and low level lighting for the looped walkway to optimise security.
- The vast majority of the site will remain as grassed area and the landscaping plan provides for significant tree planting which would offset any CO2 or NOX emissions from cars.
- The additional playground will also provide for multi-purpose trips, where older kids would practice/play GAA and the younger kids attend the playground.
- No protected trees or trees of significance would be lost under the proposals to move the walled boundary. A net gain of trees will arise as a result of the planting and landscaping proposals.
- Any unauthorised development referenced by the appellants has no bearing on the current proposals.
- The hurling ball wall is exactly that and not a retaining wall as set out by the appellants. This is a common feature within many GAA clubs.
- The proposed development will compliment tourism opportunities in the area.
- Letters of consent from affected third part landowners accompanied the planning application.

- The proposed playground will be used during the day only and will not generate adverse noise impacts during the hours of darkness.
- It is set out that there is a continuous uninterrupted footpath along the L-8104 between the appeal site and Oranmore.
- Each planning proposal must be assessed on its individual merits and comparisons with other developments in the area which were previously assessed by the Board are irrelevant.

### **6.3. Planning Authority Response**

None received.

## **7.0 Assessment**

The main issues are those raised within 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:

- Principle of Development
- Access and traffic.
- Visual Amenity
- Residential Amenity
- Architectural and Archaeological Heritage
- Ecology
- Other Matters.
- Appropriate Assessment

### **7.1. Principle of Development**

- 7.1.1. The site is located approximately 2.5 kilometres southwest of the centre of Oranmore with a footpath link between the site and the settlement of Oranmore and the wider Rinville Park area including looped walkways, outside gym and playground. The

applicants set out that the development will form a natural extension to the existing sporting and recreational facilities at this location, including the marina and golf club which are located adjacent to the appeal site within the Rinville peninsula.

- 7.1.2. The development provides for a central facility as a result of the amalgamation of three GAA clubs, namely, Oranmore-Maree GAA Club, Naomh Mhuire Ladies Football Club and Oranmore-Maree Camogie Club. Geographically, I consider the appeal site constitutes a central location in terms of the catchment of the club. I do not consider it absolutely necessary that such a facility would be located within an urban area. I note the applicants make reference to a number of precedents which have been established around Galway with the development of sports facilities for Salthill Devon and Clarinbridge-Claregalway GAA club in rural locations. Other precedents reference by the applicants outside of Galway include the development of sports facilities at Oran, Roscommon and Killashee, Longford. I am also aware of other sports facilities development at rural locations including the Connacht GAA centre of excellence at Began, Claremorris, the Hawkfield GAA sports facility outside Newbridge, The Louth Centre of excellence at Darvor, Ardee and the Meath and District league soccer facility outside of Navan among others.
- 7.1.3. A facility of this nature, which would serve boys and girls underage football teams from u6 to u17, girls camogie and boys hurling underage teams, adult football and hurling teams and adult camogie teams. The applicants state that there are 88 teams within the club and hence the need for a sports facility of this scale on 13.75 hectares to cater for existing and future needs of the newly combined Oranmore/MareeGAA club. The development of a sports facility requires a significant amount of land to provide for playing pitches for all of the teams affiliated with the sports club. I acknowledge that a site in excess of 13 hectares in a single land bank would be difficult to secure in urban areas, and in any event, it is considered that the proposal would represent an unsustainable use of zoned serviced lands which would be better used for other commercial, educational, industrial or residential uses.
- 7.1.4. The development Plan sets out several policies and objectives which are supportive of the principle of developing sports and recreational facilities. Section 11 of the Plan relates to Community development and social infrastructure. The proposals would

facilitate the realisation of SCC and SC2 regarding the development of strengthening community facilities for all ages within the community and the development of multi-use community facilities as per MU1. Specific reference is made to the development of sports and recreation facilities within SRA1 and SRA4.

- 7.1.5. In conclusion, I note that the Maree element of the club is currently based within a rural area, adjacent to Oranmore, it would therefore, be appropriate in my view to locate a sports facility in a rural area provided that that area is centrally located and easily accessible. I am satisfied that the subject site is centrally located, a point acknowledged within the appeal submission received from local residents. The issue of accessibility will be addressed later within this assessment.

## **7.2. Access and Traffic**

- 7.2.1. The third-party appellants argue that the local road network has insufficient capacity to cater for the development. A Traffic and Transport Assessment and a Stage 1 of 2 Road Safety Audit have been submitted as part of the planning documentation. The applicants state that currently the Oranmore/Maree GAA club has in excess of 1500 members and 88 underage and adult teams. The development provides for 234 car parking spaces, 6 coach parking spaces and 184 cycle parking spaces to service the site and the wider Rinvile Park area.
- 7.2.2. Access to the site is proposed via a new vehicular access junction off the L-81043-Rinvile Road, which would be located approximately 75 metres northwest of the existing L-81043 /L-8104 Maree Road junction, where there is presently a pedestrian access to the lands. A second vehicular access to serve the proposed machinery shed was proposed onto the L451015 local road, to the north of the site, however, subsequently the applicants have removed this element of the proposal. The L-8104 Maree Road is a route connecting the wider area to Oranmore and onward to Galway City. The road is of an appropriate width and surface condition and capable of accommodating traffic travelling in both directions comfortably. The local road serving the site the L-81043 is also of sufficient width and surface condition to cater for the development. The L-81043 (Rinvile Road) is a local county road, serving the Galway Bay Hotel and Country club, the Marine Institute, sailing club and car park area for Rinvile Park. A speed limit of 80kph applies to the road network in the area.

- 7.2.3. Traffic count and speed data surveys were conducted in 2018 and 2020 and projected traffic data from TII in 2016. The appellants contend that the survey results are not a true reflection of traffic volumes in the area given that the survey was undertaken during the summer holiday period. The Traffic and Transport Assessment sets out that weekday PM peak hour movements will be in the region of 46 movements and weekend afternoon peak hour in the region of 106 movements, in and out of the site. The proposal is stated to be for a local community GAA facility only and not a “centre of excellence” for the County and in my view, it is difficult to accurately estimate the levels of traffic to and from the facility, given the significant number of teams and members involved with the Oranmore/Maree GAA Club. It is noted however, that not all pitches/warm-up areas will be used simultaneously. I, therefore, consider that the traffic volumes set out by the applicants would represent a reasonable estimation of traffic volumes. The assessment forecasts that the road network will operate within capacity and that no queuing is forecast as a result of the increased traffic volumes at the junctions.
- 7.2.4. In relation to sightlines, I consider that sightlines proposed at the entrance to the site from the L-81043 (Rinvile Road) with the set back of the roadside boundary that sightlines of 2.4 metres by 60 metres would be achievable having regard to the design speed of the road estimated to be 38.9km/h eastbound and 41.9 km/h westbound, as set out in a speed survey report completed by traffic Consultants. These standards are considered adequate having regard to the bend in the road and the proximity to the L-81043/L-8104 Maree Road junction which serve to reduce traffic speed in this area. These sight distances would accord with TII standards as set out within TII DN-GEO-0360, Geometric Design of Junctions, April 2017.
- 7.2.5. The reason for refusal as set out under Board reference number 305015 related to the inadequate sightlines at the junction of the L-81043 /L-8104 Maree Road junction and the increased turning movements that would be generated by the sports development at a junction where the sightlines are restricted. The capacity test results for the proposed entrance to the Rinvile Road in 2037 that no queueing would arise at the entrance point and that the entrance has adequate capacity to cater for the increase in traffic levels projected. Similarly, by 2037, the junction of the Maree and Rinvile Roads is forecast to operate within capacity with a maximum ratio of

flow to capacity predicted to be 51.8% at the junction, well below the 85% which is considered to represent maximum capacity.

- 7.2.6. My on-site observations indicated sightlines at the L-81043/L-8104 Maree Road junction looking east (towards Oranmore) are restricted to the near edge of the road and only marginally better to the far edge of the road. Visibility looking northwest was not achievable until I crossed the white stop line. The stop line is located slightly forward of the adjoining masonry wall behind which there is dense vegetation including trees. I also noted that this masonry wall to the northwest is staggered forward of the roadside boundary looking towards the southeast and is set back approx. 1m only from the edge of the carriage way of the L-8104. Therefore, the 2.4m "X" distance set back is not available and the 60m sightlines as identified cannot be achieved looking northwest at this junction. To the southeast there is a significant grass verge and sightlines as identified can be achieved. The RSA includes a recommendation that the speed limit in the locality should be reduced to a maximum of 50 km/hr. The speed limit is currently at 80km/hr. The reduction of the speed limit is a matter for the Elected Members of Galway County Council and cannot and be controlled by the imposition of a planning condition.
- 7.2.7. In order to address the reason for refusal, the applicants are proposing to set back the walled boundary of the appeal site at this junction. The wall, which is a protected structure, as it is part of the old walled boundary wall associated with Rinvile Park House, now in ruins. The boundary wall would be set back by between 1.8 and 4 metres over a distance of approximately 98 metres, 70 metres along the Rinvile Road and 28 metres along the Maree Road. With the setting back of the boundary wall at the junction of the Rinvile and Maree roads, sightlines of 70 metres in an easterly direction and 90 metres in a westerly direction would be achieved from a 3 metre set back. The speed survey results within the Traffic Assessment indicated an average speed of 48.4 km/h eastbound and 52.9 km/h westbound at the junction Based on a survey of traffic speeds over a one week period in August 2020. This data is corroborated by the data included within the RSA. Other modifications proposed at this junction include improved road markings and delineation and development of a properly lit footpath and footpath width at this junction all in accordance with the TII document DN-GEO-03060, Geometric Design of Junctions,



April 2017. These improvements have been informed by the recommendations emanating from the RSA. The existing vehicular access off the Maree Road will be closed to vehicles but will remain open to pedestrians and cyclists.

- 7.2.8. I note the Roads Section of the local authority raised no objection to the proposed access arrangements to the site or the additional traffic at the junction the L-81043 /L-8104 Maree Road junction or in terms of sightline availability. Condition number 3(b) of the decision of the planning authority refers to the implementation of the measures set out within the Road Safety Audit Stage 1 of 2 and that all of the final details in relation to the measures at the proposed Maree/Rinville Road junction in terms of the footpath tie-ins, lighting, to be agreed with the PA prior to the commencement of development.
- 7.2.9. The TTA set out the 85th percentile speed survey data provided to accompany the application demonstrated speeds significantly less than the maximum 80km/hr and again this is corroborated with the findings within the RSA. It is argued that due to the alignment of the road and the traffic speed that a visibility splay and stopping sight distance of 70m at the Maree/Rinville Road junction is appropriate.
- 7.2.10. In conclusion, I consider that the road network serving the site is adequate to cater for the additional traffic generated by the development. An 80km/h speed limit applies in this area, however, the design speed would seem to be significantly lower, as set out in the design speed survey results. I do not consider the weekly traffic generated by the development will be hugely significant. There will be increased traffic movements at the weekend, evening times and on match days including bus movements and the associated vehicular turning movements at the junction the L-81043 /L-8104 Maree Road junction, at a point where the general speed limit applies. However, I am satisfied that with the safety measures set out as part of the recommendations within the TTA and RSA proposed at the Maree/Rinville Road junction will result in the improvement of sightlines, for patrons of the GAA sports and recreation facility and for people who use Rinville Park and cemetery and the adjoining recreational facilities in the sailing and golf clubs and visitors/employees to/of the Marine Institute. Therefore, a wider community gain will arise in this instance at the junction as a result of the proposed works, I am satisfied that

sightlines in accordance with best practice standards would be achieved and that the previous reason for refusal as set out under Board reference number 305015 has been adequately addressed and supported by the data and surveys and recommendations as set out within the TTA and the RSA, stage 1 of 2.

### **7.3. Visual Amenity**

- 7.3.1. The site is located within a landscape designated as Class 3, highly sensitive, as set out within Section 8 of the current development plan, where it is an objective to protect these lands from inappropriate development. Policy LCM1 states that regard must be given to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape and Visual Impact Assessment (LVIA) to accompany such proposals. A Visual Impact Assessment and photomontages were submitted as part of the planning documentation. The appellants set out that the development will adversely impact on the visual amenity of the area, particularly views over Galway Bay and furthermore, the impact of the proposed clubhouse pavilion cannot be assessed as it does not form part of the current proposals.
- 7.3.2. The site is undulating in nature and whilst I note there is a significant level of cut and fill proposed across the site, the levels have been appropriately tapered to adjoining land levels outside of the site so as to integrate the modified levels back into the landscape. Furthermore, the landscaping plan submitted provides for any tapered banks to be planted with wildflowers, in addition to semi-mature tree planting and native woodland planting to the southeast creating a buffer between the appeal site and the dwelling houses to the southeast, facing onto the Maree Road. A 5-metre-high mesh boundary fence is proposed around the perimeter of the site. The landscaping is intended to enhance the biodiversity of the site. I consider this approach to be acceptable.
- 7.3.3. The photomontages submitted with the planning application indicate the perimeter fencing and floodlights and the future clubhouse pavilion will be visible in the middle ground when viewed from the L-81043 (Rinville Road) but that this view is significantly reduced when looking northeast from the Rinville Park lower car park located opposite the Galway Bay shoreline. I am satisfied that the development, as

proposed would not represent a serious visual intrusion at this location given the largely greenfield nature of the development and the extensive landscaping proposed. In relation to the future club house pavilion structure, I note the image presented is indicative only given that it does not form part of the current proposals, however having regard to the sensitive site location, the design should integrate appropriately into the local landscape so as not to detract from the visual amenity of the area or reflect a dominant feature in the landscape.

- 7.3.4. In conclusion, I am satisfied that the proposed sports facility development will not be detrimental to the visual amenity of the area, and in particular, the scenic coastline of Galway Bay.

#### **7.4. Residential Amenity**

- 7.4.1. A number of issues were raised in relation to residential amenity, namely impact of traffic, noise, light pollution and privacy. I propose to deal with each of these issues in turn.

Traffic:

- 7.4.2. There is a number of houses located immediately south-east of the site fronting onto the Maree Road. It is noted that the Maree Road is characterised by a linear pattern of one -off rural dwellings. Traffic will give rise to increased noise pollution, I note however, that the access and car parking are located off the Rinvile Road and not the Maree Road and therefore, the majority of traffic movements would be remote from the dwellings, on the opposite side of the development. I would also reiterate that traffic volumes associated with the development as set out within the TTA are relatively modest, amounting to circa 46 car movements during the peak midweek pm periods and 106 vehicular movements during the peak Saturday pm periods.

Noise

- 7.4.3. The development would provide for 88 Oranmore/Maree teams and together with the various visiting teams would generate match noise and noise would emanate from practice sessions on the warm up and pitch areas and would be an issue for those

areas closest to the appellants' property and potential shouts from the players and the blowing of referees' whistles may give rise to some nuisance. However, any such noise is only likely to arise when training takes place on pitch no. 5 (all-weather pitch) and the warm up area to the east of the site and therefore, would be infrequent. These areas will not be in use all the time as pitch numbers 1, 2, 3 and 4 are the larger playing pitches located to the north of the appeal site and removed from the residences located to the south-east of the site. Pitches 1-4 will not give rise to any noise level which would significantly impact on the appellant's amenity by virtue of the separation distances involved. The noise levels associated with the warm up area and pitch no. 5 will be on the whole be infrequent and not of an intensity which would adversely affect the appellants' amenity. No noise impact assessment was submitted as part of the planning documentation. However, I am satisfied that with the implementation of the landscaping proposals, to the south-east of the site would assist in protecting the residential amenity of the residents to the south-east of the appeal site.

#### Light Pollution

- 7.4.4. A Floodlighting Impact Assessment was submitted as part of the planning documentation. Flood lighting is proposed for pitch numbers 2 and pitch 3 only. The light spillage layout submitted with the impact assessment indicates that no neighbouring residential property would be adversely impacted by light spillage or glare.

#### Privacy

- 7.4.5. I do not consider that the proposed development would significantly impact on the appellants privacy. The proposed future pavilion structure is indicated to be located approximately 200 metres from the nearest residential property and the nearest pitch would be located 115 metres from the nearest residential property. There is a warm up area towards the east of the site the boundary which is approximately 25 metres from the rear boundary of the dwellings to the east. It is proposed to plant a native woodland buffer along this shared north-eastern boundary. I consider this an acceptable buffer particularly as the warm up area would only be used for short

periods of time and would not be used continually. Furthermore, the nature of the activities to be carried out on adjoining pitches (i.e., fitness training and the playing of matches) will not give rise to any significant adverse impacts in terms of overlooking and therefore, appellants' privacy would be respected in this regard.

## **7.5. Architectural and Archaeological Heritage**

7.5.1. The appellants assert that the development does not comply with the archaeological policy objectives set out within the development plan. It is asserted that the toilet block and wastewater treatment system are located within metres of a ringfort.

7.5.2. The site and its surroundings are of significant archaeological heritage value.

There is one Recorded Monument within in the site GA095-130 Ringfort, in addition to one on the site boundary to the northwest and a number of others outside of the site area.

7.5.3. An Archaeological Heritage Impact Assessment was carried out on site. Furthermore, a geophysical survey was undertaken and based on the findings, a schedule of test excavations were carried out under licence from the Development Applications Unit (DAU). During the field survey a number of archaeological artefacts were uncovered. The reports submitted recommended further geophysical surveys in field no. 4 and a programme of pre-development testing is recommended across the entire development site. A buffer of 15m is recommended to be maintained around Recorded Monument GA095-130 Ringfort.

7.5.4. In their report dated 16th June 2021, I note the Development Applications Unit (DAU) within the DTCAHSM raised no objection to the development subject to the maintaining a 15m buffer between the development and the external perimeter of Recorded Monument GA095-130 Ringfort and further archaeological investigation, excavation, supervision and monitoring to be undertaken during site excavations on site.

7.5.5. An architectural Heritage Impact Assessment Report was submitted as part of the planning documentation. There are two protected structures within the bounds of the

appeal site. The gate lodge structure which is located to the south of the site adjacent to the current vehicular entrance to Rinvile Park. This structure will not be directly affected by the proposals. In fact, the current vehicular entrance is to be closed off to vehicular traffic under the proposals and would be used only by pedestrians and cyclists which would. The walled boundary structure, which is the original walled boundary around Rinvile House, now in ruins would be directly affected under the proposals. A section of the wall at the junction of the Rinvile and Maree Roads would be set back by between 1.8 and 4 metres in order to improve the junction layout arrangement and sightlines at the junction. The footpath would be widened at this junction and public lighting would be provided and the set-back boundary wall would be re-built in accordance with best conservation practice principles. I am satisfied that subject to supervision by a conservation architect that the works would be satisfactory. I note that the DTAGSM outlined no specific objections to these works and neither did the appellants raise any specific issues in this regard.

- 7.5.6. In conclusion, subject to compliance with the requirements of the DTCAHSM, I am satisfied that the archaeology of the site will not be adversely impacted by the development works.

## **7.6. Ecology**

- 7.6.1. An Ecological Impact Assessment (EclA) has been submitted with the application. This has regard to desk top studies and Field Surveys. These included details of habitats, flora and fauna and watercourses on site. A Habitats Map is included in Fig.7 and Table 1 provides an Ecological Evaluation of Sensitive Receptors. Regard is had to the impact of construction on the Tureen Stream, which is located to the north-west of the appeal site and downstream habitats in the Galway Bay SAC and Inner Galway Bay SPA protected fauna including bats, badger, otter, deer and breeding birds.
- 7.6.2. The report sets out that that best practice techniques will be employed during construction to protect the stream to include a temporary perimeter drain to manage construction run-off. A site-specific construction management plan is included in the Natura Impact Statement submitted with the planning application.

- 7.6.3. A field survey was undertaken on the site. It was noted that site comprises heavily grazed or mown grassland and the Turreen Stream is located at its closest point approximately 14 metres from the site boundary. The survey detected no otter or otter holts or resting places. The assessment states that there are no records of badgers and no badger sets in the study area and no potential for badgers on the project site. A bat survey was undertaken, during the survey two bat species were identified entering the site from Renville Wood: Soprano Pipistrelle and Leisler's Bat. No bats were observed using the area of site adjacent to the Turreen Stream or the scatter trees leading to the northwest toward the March area. It is considered that the development would have minimal impacts on the local bat population, and it is unlikely there will be loss of foraging grounds for bats. A number of breeding bird species were recorded during fieldwork. The Inner Galway Bay SPA is located approximately 380 metres from the northern site boundary and 360m from the southern site boundary. The predicated impact on Wintering or Breeding Birds is explored in greater detail in the AA screening and the NIS, later within this assessment.
- 7.6.4. Indirect impacts with respect to wastewater are not predicated and there are no predicated impacts on the hydrology of the Turreen stream as a result of surface water or ground water un-off. The report sets out that best practice techniques will be employed during construction to protect the stream to include temporary bunded settlement ponds in the area of wet grassland at the north western end of pitch no. 4 which will temporarily attenuate and allow for the settlement of silt laden water during the construction phase.
- 7.6.5. In relation to floodlighting and Bats there is no predicated impacts on bats from flood lighting from the development. It is set out that the issue of flood lighting only arises during the winter months when GAA practice or matches take place. Given that bats hibernate during the period from November to March, they would not be affected by the flood lighting during the hibernation period.
- 7.6.6. It is concluded in the Report, that given the mitigation proposed for the predicted impacts as set out within the EclA, that the proposal will have "a neutral imperceptible impact upon the local biodiversity" with the planting of 2 hectares of

wildflower meadows, additional woodland planting various other landscaping within the appeal site boundaries and not result in adverse impact on the ecology in the local or wide.

## **7.7. Other Matters**

Graveyard:

- 7.7.1. The appellants argue that the development will impact on the Burial ground at Rinville and that the proposed use could conflict with burials. In response the applicant states that the graveyard serves the local community as will the proposed development and that the applicant will engage with the Church Authorities to ensure that practice, matches and tournaments do not coincide with Burials.

Tourism:

- 7.7.2. The appellants assert that the development will have a negative impact on local tourism including adversely impact upon the Wild Atlantic Way (WAW) designation. In this regard, I do not consider the development will impact on the already established amenity of Rinville Park or the visual amenity of the area. I am satisfied that the sports and recreational development will not adversely impact on local tourism or the WAW designation.

### **7.7.3. Surface water management/Flooding**

The appellants have raised the issue of pitch development interfering with the naturally occurring springs in the area. I note that as part of the applicant's further information response detailed surface water management details in the form of gravel drainage tunnels within the pitch areas, attenuation tanks to manage the release of surface water during surcharge events were submitted. I note that the majority of the site will remain under grass and therefore not impact the naturally occurring greenfield drainage systems. the Planning Authority included a condition regarding the fencing off of the Tureen stream during development works in order to prevent spillage of material into the steam. I am satisfied that the issue of surface water management can be appropriately managed by means of a planning condition.



## 8.0 **Appropriate Assessment Screening**

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### **Background to Application**

- 8.1.2. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted as part of the planning documentation. These reports were revised as part of the further information response. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development. The screening is supported by an associated report, including a Site-Specific Flood Risk Assessment as well as a review of National Parks and Wildlife Survey (NPWS) datasets, Ordnance survey mapping and aerial photography.
- 8.1.3. The AA Screening Report states that this assessment was reached without considering or taking into account mitigation measures or protective measures included in the construction management plan prepared for the proposed development.
- 8.1.4. Section 6 of the applicants AA Screening Report concludes “In the absence of mitigation measures to be included in a CMP, it cannot be excluded, on the basis of objective information, that the project, individually or in combination with other plans or projects, will have a significant effect on a European site and as such Stage 2 AA is required”. Therefore, I am satisfied that it cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information, and in light of the conservation objectives of the European sites, that the proposed development, individually, or in combination with other plans and projects, would be likely to have significant effects on the Galway Bay Complex SAC and the Inner Galway Bay SPA. As a result, an Appropriate Assessment is required, and the

submission of a Natura Impact Statement in respect of the proposed development is required”.

- 8.1.5. Having reviewed the documents and the observations received by the Planning Authority, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.
- 8.1.6. The project is not directly connected to or necessary to the management of a European site and therefore, it needs to be determined if the development would be likely to have significant adverse effects on a European site(s).
- 8.1.7. The development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site.

#### Description of Development Site

- 8.1.8. The development is located on a greenfield site in a rural area, located approximately 2.5 kilometres southwest of the centre of Oranmore within the townland of Rinville West at the north-eastern end of the Rinville peninsula. The site is located south-east of Rinville Park and Woodland. The development would comprise playing pitches, a looped walkway, a playground, a toilet block, machinery shed, car parking and bicycle parking. The development would be served by a proprietary wastewater treatment system. There are no surface water channels within the appeal site, however the Tureen stream is located within 14 metres of the northern site boundary. Surface water outfall from the appeal site is to the Tureen stream which in turn directly outfalls to Galway Bay. The appeal site is located approximately 350 metres south of the Galway Bay Complex SAC and the Inner Galway Bay SPA.

#### Submissions/Observations

- 8.1.9. I have reviewed the submissions and observations made, and I note that the submissions did not raise any particular issues in terms of biodiversity or potential adverse impact upon Natura 2000 sites. The DAU within the DTCAGSM have

recommended that “prior to granting consent the decision maker should be satisfied that the proposed development will not have a negative impact upon the nearby European Sites qualifying interest species, habitats and especially on both surface and ground water quality during and post construction. In the event that planning is granted the NPWS as outlined in the NIS and the EclA be a condition of planning recommends that all mitigation measures”.

Characteristics of Project:

8.1.10. A number of characteristics of the project have the potential to impact upon a number of European sites, both during the construction and operational phases.

Construction impacts:

8.1.11. The potential effects that I have identified include:

- Deterioration of water quality and subsequent effect on water based habitats and bird and aquatic species.
- Potential for construction noise disturbance.

Operational Impacts:

- Deterioration of water quality and subsequent effect on water based habitats and bird and aquatic species.
- Potential for operational noise and light disturbance.

8.1.12. The ‘source-pathway-receptor’ model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

Designated Sites and Zone of Influence

8.1.13. A potential zone of influence has been established having regard to the location of European sites, the Qualifying Interests (QIs) of the sites, the source-pathway-receptor model and potential environment effects of the proposed project.

8.1.14. A number of European sites have not been considered within the screening as there is no hydrological pathway between them and the appeal site or due to the significant hydrological separation distances between them and the appeal site. Therefore, I do not consider that they fall within the zone of influence. These sites

include: Castletaylor Complex SAC, Lough Corrib SAC and SPA, Rahasane Turlough SAC and SPA, Lough Fingall Complex SAC, Kiltiernan Turlough SAC, East Burren Complex SAC, Ardahan Grassland SAC, Cahermore Turlough SAC and Cregganna Marsh SPA, in view of their Conservation Objectives. I have therefore, concluded that the project individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on these particular 11 European sites listed above. Therefore, Appropriate Assessment (and the submission of a Natura Impact Statement relating to the impact on these specific 11 sites) is not required in relation to these specific sites.

- 8.1.15. The subject site is not located within any designated European site; however, the following Natura 2000 sites are considered to be located within the zone of influence and have a potential connection to the appeal site.

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Galway Bay Complex SAC 000268	Qualifying Interests:  Mudflats and sandflats not covered by seawater at low tide.  Coastal lagoons.  Large shallow inlets and bays.  Reefs.  Perennial vegetation of stony banks.	360 metre separation distance to the north of the appeal site.	Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SAC via the Turren stream. Potential for release of sediment and/or hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality via release of sediment and hydrocarbons during construction and to potentially adversely	Yes.

	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts.</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Atlantic salt meadows.</p> <p>Mediterranean salt meadows.</p> <p>Turloughs.</p> <p>Formations on heaths or calcareous grasslands.</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates.</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Otter</p> <p>Harbour Seal</p>		<p>impact on habitats/species, either alone or in combination,</p>	
--	---	--	--	--

Inner Galway Bay SPA 004031	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver</p> <p>Cormorant.</p> <p>Grey Heron.</p> <p>Light-bellied Brent Goose.</p> <p>Wigeon.</p> <p>Teal.</p> <p>Red-breasted Merganser.</p> <p>Ringed Plover.</p> <p>Golden Plover.</p> <p>Lapwing.</p> <p>Dunlin.</p> <p>Bar-tailed Godwit.</p> <p>Curlew.</p> <p>Redshank.</p> <p>Turnstone.</p> <p>Black-headed Gull.</p> <p>Common Gull.</p> <p>Sandwich Tern.</p> <p>Common Tern.</p> <p>Wetland and Waterbirds.</p>	360 metre separation distance to the north of the appeal site.	<p>Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and Galway Bay via the Turren Stream. Potential for release of sediment and/or hydrocarbons to surface waters during construction activities. Proposed works have potential to cause deterioration in water quality during construction and operation and to potentially adversely impact on habitats/species, either alone or in combination, due to pollution or sedimentation arising from the construction phase of the development. Potential for adverse impact upon feeding/roosting areas for wetland winter birds during the construction phase.</p>	Yes.
--------------------------------------	---	--	--	------

I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

### **Identification of Likely Significant Effects**

8.1.16. Given the location, nature and scale of the proposed project, it is apparent that a number of qualifying interests have the potential to be impacted upon within the following European sites:

- Galway Bay Complex SAC (Site Code: 000268)
- Inner Galway Bay SPA (Site Code: 004031).

8.1.17. I am therefore, of the opinion that the designated sites, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA require further consideration.

### **Screening Determination**

8.1.18. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could give rise to likely significant effects on two European Sites, namely the Galway Bay Complex SAC and the Inner Galway Bay SPA, in view of the Conservation Objectives of the sites could not be ruled out, and Appropriate Assessment and the submission of a Natura Impact Statement is therefore, required.

8.1.19. This determination is based on:

- Potential surface water outfall to the Turreen Stream which outfalls to Galway Bay,
- Proximity to European site in terms of separation distances.
- Potential impacts upon Qualifying interests and Conservations interests of the Galway Bay Complex SAC and the Inner Galway Bay SPA.

## **8.2. Stage 2- Appropriate Assessment**

### **8.2.1. Natura Impact Statement (NIS)**

8.2.2. The application included a Natura Impact Statement (NIS) for the proposed sports and recreation development at Rinville West, Oranmore. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a European Site (identified above). The characteristics of the appeal site are set out and potential impacts arising from the construction and operational phases of the development on the Galway Bay Complex SAC and the Inner Galway Bay SPA and includes details of mitigation measures that would be incorporated as part of a Construction Management Plan. In combination effects are also examined, it is concluded that significant in combination effects of the project with other projects and plans are not likely.

8.2.3. The NIS concludes that subject to the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase and identified within the Natura Impact Statement report, significant adverse effects on the conservation objectives or site integrity of the Galway Bay Complex SAC and the Inner Galway Bay SPA, or in combination with other plans and projects are not likely.

8.2.4. Having reviewed the documentation available to me, I am satisfied that the information submitted allows for a complete assessment of any adverse effects arising from the development on the conservation objectives of the European site listed above, alone, or in combination with other plans and projects.

Appropriate Assessment of implications of the proposed development on the European Site

8.2.5. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features which are located downstream of the surface water and foul water outfall from the development within the Galway Bay Complex SAC and the Inner Galway Bay SPA using the best scientific knowledge



available in the field. All aspects of the project which could result in significant adverse effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.2.6. I have relied on the following guidance as part of this assessment:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002).
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011); •
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.2.7. A description of the designated sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the screening assessment above, and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

## Potential Impacts on identified European Sites

Table 2

Site 1:

**Name of European Site, Designation, site code:** Galway Bay Complex SAC 000268

Summary of Key issues that could give rise to adverse effects

- Water Quality and water dependant habitats
- Habitat Loss
- Disturbance of QI species

**Conservation Objectives:** To maintain or restore the favourable conservation condition of the protected habitats and species within Galway Bay.

Qualifying Interest feature	Conservation Objectives  Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Mudflats and sandflats not covered by water at low tide.	To restore the favourable conservation condition of the protected Mudflats and Sandflats not covered by seawater at low tide in Galway Bay.	Deterioration in water quality arising from sedimentation and release of hydrocarbons arising from construction activities on site and potentially adversely impacting upon protected aquatic habitats	Silt traps adjacent to outfalls to Turren stream. Settlement ponds <b>to the north of site</b> Settlement ponds <b>to the north of site to attenuate surface water run-off.</b> Storage and handling of harmful <b>materials including hydrocarbons.</b>	No significant in-combination adverse effects	Yes
Large shallow inlets and bays	To restore the favourable conservation condition of the protected inlets and bays in Galway Bay.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels from construction activities on site and potentially adversely impacting upon protected habitat	Storage and handling of harmful materials including hydrocarbons, Bunding around hydrocarbon storage area. Silt traps to be installed to prevent release of harmful sedimentation to Galway Bay. All works would be completed in accordance with Fisheries Ireland best	No significant in-combination adverse effects	Yes

			practice guidance.		
Reefs	To restore the favourable conservation condition of the protected reefs in Galway Bay	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water and foul sewer networks. arising from construction activities on site and potentially adversely impacting upon protected habitat	Storage and handling of harmful materials including hydrocarbons, Bunding around hydrocarbon storage area. Silt traps to be installed to prevent release of harmful sedimentation to Galway Bay. All instream works would be completed in accordance with Fisheries Ireland best practice guidance.	No significant in-combination adverse effects	Yes
<b>Overall conclusion: Integrity test</b>  Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

**Table 3**

**Site 2:**

<b>Name of European Site, Designation, site code:</b> Inner Galway Bay SPA 004031  Summary of Key issues that could give rise to adverse effects <ul style="list-style-type: none"> <li>• Water Quality and water dependant habitats</li> <li>• Loss of foraging ground</li> <li>• Disturbance of QI species</li> </ul> <b>Conservation Objectives:</b> To maintain the favourable conservation condition of wetland habitat in Inner Galway Bay as a resource for the regularly occurring and visiting migratory winter birds.			
		<b>Summary of Appropriate Assessment</b>	

Qualifying Interest feature	Conservation Objectives  Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Wetlands and Winter birds	To maintain or restore the favourable conservation condition of the wetland Habitat of Galway Bay as a resource for the regularly occurring migratory waterbirds that visit the bay.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected wintering waterfowl. Loss of foraging ground and a potential resultant disturbance of the wintering waterbirds due to loss of foraging areas.	Silt traps adjacent to outfalls to Turren stream. Settlement ponds <b>to the north of site to attenuate surface water run-off.</b> Storage and handling of harmful <b>materials including hydrocarbons.</b>	No significant in-combination adverse effects	yes
<b>Overall conclusion: Integrity test</b>  Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

8.2.8. Following the Appropriate Assessment and the consideration of mitigation measures, set out within the Construction Management Plan (CMP) and within the NIS, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC of the Inner Galway Bay SPA, in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### **Appropriate Assessment Conclusion**

8.2.9. The sports and recreational development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.2.10. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites, the Galway Bay Complex SAC and the Inner Galway Bay SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European site in light of its conservation objectives.

8.2.11. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Galway Bay Complex SAC or the Inner Galway Bay SPA, in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Galway Bay Complex SAC or the Inner Galway Bay SPA.

## 9.0 Recommendation

I recommend that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2022 – 2028, the central location of the appeal site within the catchment of the Oranmore/Maree GAA club, the established community and recreational uses adjacent to the appeal site, connectivity to Oranmore and to the nature, scale and design of the proposed sports and recreational development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously the residential or visual amenities of the area, nor result in the creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

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

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

- 2 (a) Prior to the commissioning of the sporting and recreational facilities, the applicants shall complete the junction improvement works, including the boundary wall setbacks, increased footpath width, improved road signage and

markings and installation of new public lighting at the junction of the L-8104 and the L-81043.

- (b) Completion of all the road safety recommendations set out within the Traffic and Transport assessment and the Road Safety Audit as submitted to the PA on the 24<sup>th</sup> day of August 2021 shall be submitted for the written agreement of the Planning Authority.
- (c) The sight distance triangles at the proposed vehicular access off the L-81043 shall be permanently maintained and kept free of obstruction at all times.

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

- 3 Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) The location of the bicycle parking to northern part of the car park area.
- (b) Covered bicycle parking shelters with capacity for a minimum of 96 bicycles shall be provided.
- (c) Precise details of the materials to be used within the bicycle parking shelters, including provision of adequate illumination.

**Reason:** In the interest of sustainable development.

- 4 Advertising structures/devices erected within the site shall not be visible when viewed from outside the curtilage of the site.

**Reason:** In the interest of visual amenity.

- 5 The retractable ball netting shall be erected prior to the commencement of use of the playing pitches.

**Reason:** In the interest of residential amenity.

- 6 Water supply and 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.

- 7 a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Treatment Systems for Small Communities, Business, Leisure Centres and Hotels—Environmental Protection Agency, 1999

(c) Within three months of the commissioning of the playing pitches, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

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

- 8 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.



- 9 The landscaping scheme shown on drawing number 18(21)-142-102 as submitted to the planning authority on the 24th day of August 2021, shall be carried out within the first planting season following substantial completion of external construction works. The existing mature trees and stone wall boundaries shall be retained within the site save for where their removal is required to respect the sight visibility triangle or to enable the construction of the proposed dwelling.

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 [or until the development is taken in charge by the local authority, whichever is the sooner], 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

- 10 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, *details of hoardings and security fencing, intended construction practice for the development*, including noise, dust and vibration mitigation measures and off-site disposal of construction / demolition waste. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

- 11 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours

on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 12 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

- 13 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

- 14 All of the mitigation measure cited in Section 5.2.1 of the Natura Impact Statement submitted to the Planning Authority on the 16<sup>th</sup> day of April 2021 shall be implemented in full.

**Reason:** In the interest of the natural heritage of the area and protecting the environment.

- 15 Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

- 16 Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed flood lighting, including the lighting levels within open areas of the development.

**Reason:** In the interests of visual and residential amenity.

- 17 The floodlights or any equivalent replacement floodlights shall consist of [as specified in the application]. The floodlights shall be directed onto the playing surface of the pitches and away from adjacent housing and roads. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

**Reason:** In the interest of residential amenity and traffic safety.

- 18 Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

- 19 Any works to the protected wall boundary and its set back, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

---

Fergal Ó Bric  
Planning Inspectorate

17th November 2022