



An  
Bord  
Pleanála

## Inspector's Report

**ABP-312545-22**

### **Development**

Permission for new grass multi-sport playing pitch, lighting to new and existing rugby pitch, goal posts and ball-stop nets, three multi-purpose hard surface ball courts, Astro amenity areas with fencing, bus and car parking, facilities building, sewerage treatment plant and soil polishing filter, widening of existing entrance and provision of internal access road, rainwater harvesting storage and all associated site works. A Natura Impact Statement and Ecological Impact Assessment have been submitted with the proposals.

### **Location**

Oughterard, Galway.

### **Planning Authority**

Galway County Council

### **Planning Authority Reg. Ref.**

21/1109

### **Applicant(s)**

Oughterard Sports and Recreational Partnership.

### **Type of Application**

Permission

**Planning Authority Decision**

Refuse Permission

**Type of Appeal**

First Party

**Appellants**

Oughterard Sports and Recreational Partnership.

**Observer(s)**

- 1) Mary Nee
- 2) Residents and land owners of Pier Road

**Date of Site Inspection**

11th day of April 2023

**Inspector**

Fergal Ó Bric.

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the rural townland of Lemonfield, approximately one kilometre east of the town centre of Oughterard with access from Pier Road, a road linking the town centre with Oughterard Pier. The site is located approximately 850 metres east of the N59, Oughterard GAA pitches and facilities building. There are a number of individual one off dwellings accessed off Pier Road. The Owenriff River is located on the opposite side of Pier Road from the appeal site.
- 1.2. The site is relatively flat with levels being consistent with those of the adjoining public roadway. The appeal site comprises two fields. The northern field comprises raised bog with peat soils, is wet and boggy and several land drains exist around the perimeter of the site and interspersed throughout the site. Peat has been mounded within this northern part of the site, The southern field comprises clay soils and provides for a grass playing pitch, a storage container on site which is used to store playing equipment and an area of land which has recently been harrowed and re-seeded. There is hedgerow boundary along the northern, southern, eastern and south-western site boundaries.
- 1.3. The site has a stated area of 4.55 hectares. Vehicular access to the site is from the L-5334, Pier Road. Pier Road has a carriageway width of approximately 4.2 metres along the appeal site road frontage but narrows to a width of 3.7 metres further east of the site. There are no public footpaths or streetlighting along Pier Road. There is an agricultural access gate at the site entrance at present. There is a drainage ditch along the appeal site frontage which contained water on the day of my site inspection.

## 2.0 Proposed Development

- 2.1. The development would comprise the following:
  - A new grass multi-sport playing pitch,
  - Grass amenity areas,
  - lighting to new and existing rugby pitches,
  - Advertising boards

- Goal posts and ball stop nets to all pitches,
- Three multi-purpose hard surface ball courts,
- Astro amenity area with fencing,
- Bus and car parking,
- Facilities building with a floor area of 591 square metres (sq. m.),
- Sewerage treatment plant and soil polishing filter,
- Widening of existing entrance and provision of internal access road,
- Rainwater harvesting storage and all associated site works.
- A Natura Impact Statement (NIS) and Ecological Impact Assessment (EclA) will accompany the proposals.

2.2. The development seeks to provide sports, community and recreational facilities for the local Oughterard community. The gross floor area of the facilities building is 591 square metres (sq. m). The single storey facilities building will provide for meeting and changing rooms, toilet and shower facilities, administration and ancillary facilities.

2.3. The planning documentation submitted with the proposals included: An Appropriate Assessment (AA) Screening Report, a Natura Impact Statement (NIS), an Ecological Impact Assessment (EclA), A supporting Planning Report, An EPA Site suitability report and a Preliminary Flood Risk Assessment.

2.4. Unsolicited Further information was submitted by the applicants to the Planning Authority on the 29<sup>th</sup> day of November 2021 in relation to the following: Compliance with national and local planning policy: Details of precedents permitted by Galway County Council for the development of sporting and community facilities outside of designated settlements in West Galway, Projected traffic volumes relating to the proposals and details of passing bays along Pier Road.

2.5. Correspondence from a number of local sporting and community organisations including the local angling and scouting group, Corrib Cruises, Clann Resource Centre, Oughterard Rugby club and Connacht rugby have been submitted outlining their support for the sporting, community and recreational facilities.

### 3.0 **Planning Authority Decision**

3.1. The Planning Authority (PA) refused planning permission by order dated the 15th day of December 2021, for one reason as follows:

- 1 The proposed development, if granted, would negatively impact on the free-flow of traffic on the L-5334 local road due to the volume and type of traffic generated by the development and the narrow carriageway width of the L-5334 local road. The proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise and, therefore, would be contrary to the proper planning and sustainable development of the area.

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

The Planner's report is summarised as follows:

The planning report notes that a portion of the northern (roadside) section of the site is located within flood zones A & B, the observations on file and the report from the Roads Department within Galway County Council. The Roads Department Report raised issues specifically in relation to the volume and type of traffic that would be generated by the proposals and the narrow carriageway width. They considered that the proposals would endanger public safety by reason of a traffic hazard and recommended that planning permission be refused for the reason set out within Section 3.1 above.

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

Roads Department – Refusal of planning permission recommended as referenced above in Section 3.1 and 3.2..

### 3.4. **Prescribed Bodies**

Department of Tourism, Culture, Arts, Gaeltacht Sports and Media (DTCAGSM) noted the proximity of the appeal site to the Lough Corrib SAC (site code 002297) and the Lough Corrib SPA (site code 004042). They stated that there are hydrological connections between the appeal site and the Owenriff River and Lough

Corrib. It is unclear if breeding bird surveys were conducted by the applicants and recommended that innovative approaches to retain or create biodiversity should be incorporated within the proposals, considering what will be lost to site stripping.

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

Eight third party observations were received. The majority of the observations were from neighbouring residents along Pier Road and the wider Oughterard area. The issues raised are similar to those raised in the third-party observations except for the following:

- Proposals would be contrary to the policies and objectives set out within the Galway County Development Plan.
- Inappropriate location of development.
- Access, road and safety issues.
- Poor connectivity between the appeal site and the settlement of Oughterard.
- Adverse visual impact of development.
- Adverse impact upon amenities of neighbouring residents.
- Adverse Impact upon the adjacent European sites.
- The Planning history in the area.
- Floodlights would adversely impact upon neighbouring residential properties.
- Adverse impact arising from wastewater treatment proposals.
- Lack of consultation with neighbouring residents.

### 4.0 **Planning History**

Appeal Site:

There is no relevant planning history associated with the appeal site.

Exempted Development:

Planning reference ED 18/52-A declaration of exempted development was issued by the Planning Authority for the development of a rugby pitch and demolition of an agricultural shed.

## 5.0 Policy Context

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

Oughterard is one of the five Small Growth Towns identified within Section 2 of the Plan. It had a population of 1,701 as per the 2016 census and is expected to experience a population growth of approximately 350 persons over the plan period to 2028. The appeal site is located in Lemonfield, a rural area, adjacent to, but outside of the development boundary of the Oughterard Small Growth Town Plan (OSGT) 2022-2028.

SS5 Small Growth Towns (Level 5): To protect and strengthen the economic diversity of the Small Growth Towns enabling them to perform important retail, service, amenity, residential and community functions for the local population and rural hinterlands.

#### Landscape:

Map 8.2-Landscape Sensitivity Map identifies the lands as being within a lake environs landscape type, class 4, having an 'iconic' landscape value. These landscapes are deemed to have a high sensitivity to change.

Protected Viewpoints 27 and 28 are identified as Ard na Gaoithe and Oughterard Pier, which are located approximately 550 metres further east of the appeal site.

Appendix 4 of the Plan sets out the following in relation to this view: The focus of these views are out onto Lough Corrib.

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.

SRA 1 To 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.

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.

#### Section 7.5.5 Wastewater

In the case of larger developments, the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) is the relevant document that all developments are required to comply with.

Volume 2 of the Plan includes the Oughterard Small Growth Town Plan 2022-2028.

The following specific policy objectives are included within the Plan and pertinent to the current proposals:

OSGT 3 Community Facilities and Services To encourage and support the expansion and development of existing facilities and services to meet the needs of the local community.

#### **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.

## 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.

### 5.3. Natural Heritage Designations

The appeal site is not located within the bounds of a European site. The closest Natura 2000 sites is the Lough Corrib SAC (000297) which is located on the opposite side of the Pier Road, along the banks of the Owenriff River and within 20 metres of the northern appeal site boundary. The Lough Corrib SPA (Site code 004042) is located approximately 112 metres from the northern site boundary.

The closest Natural Heritage Area (NHA) is the Lough Corrib pNHA, (site code 000297), which at its closest point is located approximately 20 metres to the north 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 4.55 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 and recreational facilities. The majority of the proposals relate to the provision of multi-use playing pitches and practice areas and ancillary infrastructure in terms of floodlights and netting behind goals, and a facilities building incorporating meeting rooms, toilets, showers and administration and ancillary facilities. 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 4.55 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 applicants have 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

A first party appeal submission has been received from SUCA Civil and Structural Engineers on behalf of the Oughterard Sports and Recreational Partnership against the decision of Galway County Council to refuse planning permission for the expansion and development of recreational, community and sports facilities at the appeal site has been received. The main issues raised within the appeal relate to the following matters:

Principle of Development:

- The Sports and recreational partnership have purchased the 4.55 hectare appeal site at Lemonfield, to the east of and adjacent to, but outside of the town settlement boundary of Oughterard. It is stated that Oughterard Rugby Football Club (ORFC) have taken a 99 year lease on the southern portion of the lands and obtained a planning exemption for the development of a grass playing pitch. These works were completed during the Spring of 2021.
- The overall facility would also be used by other community groups including local scouting and angling clubs, Ladies GAA, Clann youth services and a local cruise company who operate to/from Oughterard Pier,
- ORFC presently have a pitch and training area at Clare, Oughtreard, on the western side of the town and the lease on that facility is due to expire in 2024.

- Ownership, or a long term lease on lands is a requirement when seeking sports capital funding.
- The proposals would accord with National Policy Objectives 26 and 27 in relation to supporting the National physical activity plan and integrating physical activity facilities.
- The proposals would comply with policy objectives within the current Galway County Development Plan (GCDP) 2022-2028, specifically set out within Sections 11.5, 11.6 and 11.7 in relation to social inclusion and community development and the development of social, sports, multi-use community facilities, recreation, amenity and community facilities.
- Volume 2 of the GCDP specifically references ORFC and identifies it as a: Much valued community facility to local residents. Policy objective OSGT3: Encourages and supports the expansion and development of existing facilities and services to meet the needs of the local community.
- There is an existing grass rugby pitch developed within the southern portion of the appeal site.
- There are no suitable alternative sites within the town development boundary on which to develop sports, community and recreational facilities.
- A number of precedents for the development of sports and recreational facilities outside of settlement boundaries are referenced by the applicants including Oughterard Soccer club, Furbo GAA and soccer clubs and Killanin GAA club all of which have membership numbers far greater than the current applicants.

#### Access & Traffic

- Pier Road links Oughterard town with Oughterard Pier onto Lough Corrib.
- There is limited vehicular public throughway to other roads. Traffic volumes are low on this road.
- Traffic on this road is limited to accessing the 16 dwellings on the road, 5 of which are holiday homes, the pier and agricultural lands.
- Visibility at the junction of Pier Road and the town centre will be improved on foot of a planning permission granted under reference 21/1289 (development by Tesco Ireland) by the Planning Authority.

- Traffic generation at the facility would be largely associated with the ORFC where the annual daily traffic movements would increase by approximately 40 vehicle movements per day, but this would increase to 50 vehicle movements per day associated with the mini rugby for 34 weeks of the year and up to 100 vehicle movements per day for mini rugby blitzes, two of which would be hosted in Oughterard annually. The Annual Average Daily Traffic (AADT) for the facilities has been calculated at 40. This AADT equates to the traffic movements associated with 6 dwelling units.
- There is no record of any traffic collisions on the Pier Road or at the junction of the Pier Road with the N59.
- Coach parking is proposed to the north of the site which would serve the ORFC and Corrib Ferries who embark/disembark from the adjacent Oughterard Pier.
- The appeal site is within walking distance of the town of Oughterard. Traffic volumes and speeds are low along Pier Road and there are a number of alternative pathways/roads available to access the proposals.
- There are two existing passing bays located along Pier Road in a westerly direction of the appeal site, between the appeal site and the junction with the N59. It is proposed to provide an additional two passing bays along this stretch of road. The development of passing bays along local roads is provided for with the TII publication-Rural Link Road Design 2017.
- The main source of traffic along Pier Road is that associated with the Oughterard Pier, where traffic levels increase, particularly in summer months. The current proposal will not result in traffic delays as adequate sightlines are available at the entrance point and the pull in areas provide for vehicles to meet and pass safely along Pier Road.
- No vehicles will be permitted to park on the roadside along Pier Road and therefore, no interference with emergency vehicles will arise.
- A traffic management plan was used for the development of the existing rugby pitch facility at Lemonfield, and a similar plan would be used for the development of the current proposals.

Surface Water Management, Flooding and Wastewater Treatment:

- The majority of the site is located within Flood Zone C, with a portion of the northern field of the appeal site within Flood zones A and B. The front (northern) part of the site is designated as a Bus parking area and an amenity area. These uses are water compatible as per the provisions of the Flood Risk Management Guidelines (FRMG;s 2009).
- The open drain along the road frontage will remain open and no infilling of material within low lying areas is proposed.
- The facilities building and wastewater treatment plant are to be located on ground levels above those of the highest predicted flood levels to the rear (south) of the site where ground characteristics are at their best.
- All new surfacing will be permeable and existing drainage paths within the appeal site will be maintained.
- A site assessment in accordance with the EPA Code of Practice guidelines has been submitted.

#### Natural Heritage:

- An NIS was submitted, and it concluded that; The integrity of either the Lough Corrib SPA or SAC would not be adversely affected by the proposals.
- Details of Hen Harrier and Bat surveys were submitted. The lighting plan for the appeal site has been specifically designed having regard to flight paths and ensuring that no lighting overspill arises from the appeal site.

#### Other Issues:

- The appeal site is presently screened from the public road by native hedgerow and the landscaping proposals will provide additional landscaping throughout the site. There will be minimal visual impact to/from the appeal site.
- No peat will be removed from the site, any peat stripped for the construction of internal roads and car parks will be reused for landscaping purposes on site.
- The development does not fall into a category that requires the submission of an EIAR.

## 6.2. Observations

6.2.1. Two third-party appeal observations were received in relation to the development proposals. The first observation was made by Mr Andrew Hersey, Planning Consultant on behalf of residents and landowners of Pier Road, and the second observation has been made by Mary Nee, a resident of Tullabrick, Oughterard, north of Oughterard town. There is some crossover in the content the two appeal observations and, therefore, in order to avoid repetition, I have summarised the issues raised under a number of topic headings.

### Principle of Development:

- The current location of the ORFC at Clare, Oughterard, within the settlement boundary would be far more appropriate for the current proposals than the appeal site, which is removed from the town centre and located outside the settlement boundary.
- The proposals represent an inappropriate use of unzoned lands.
- The development should be located on zoned lands closer to the town centre.
- The scale and location of the development, within a rural area and outside of a designated urban development boundary is considered inappropriate.

### Access and Traffic:

- The proposals would generate significant traffic movement in the area, given its location removed from Oughterard town.
- There are no footpaths nor street lighting along Pier Road. As rugby is played mainly in winter season when there is less daylight, pedestrian and cycle access to the site would be dangerous.
- Pier Road is a narrow road with deep drainage channels along each side and it is difficult for two cars to pass simultaneously.
- Pier road has insufficient capacity to cater for increased traffic levels associated with the proposals.
- Emergency services could be denied access to Oughterard Pier as a result of the proposals.



- What is the need for 55 car parking spaces if the AADT is only 40 vehicle movements per day?
- No consultation has taken place with Galway County Council regarding the provision, number and location of passing bays along Pier Road. Therefore, the proposals are premature pending the completion of these consultations.
- To rely on a third party land owner to carry out the works required to construct the passing bays is inappropriate.

#### Flooding and Surface Water Management:

- Part of the development site is located within Flood Zone A and the development will exacerbate flood risk in the area.
- The access road to the appeal site is located within Flood Zone A and the Pier Road has flooded on many occasions in the past, whereby it was impassable.
- The road was impassable for two months in 2015 and three weeks in 2020.
- The surrounding fields in the area are often waterlogged for much of the Winter.
- The OPW have no plans to carry out flood relief works in the area and, therefore, the flooding issue in the area will persist and exacerbate with the impacts of climate change.
- In the event that buses were parked, and a flood event occurred, it could result in petrochemicals being released to the flood waters and contaminate the Owenriff river and potentially indirectly adversely impact upon the Lough Corrib SAC and SPA.
- Public Authorities are precluded from making decisions where the potential exists to contaminate surface waters, which in this case outfall to European sites.

#### Natural Heritage:

- The removal of hedgerow would adversely impact upon bat roosting areas.
- Floodlighting would also impact upon bat roosting areas and the proposals would be contrary to the Wildlife Acts and to the EU Birds and Habitats Directives.

### 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. 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
- Flooding and Wastewater
- Other Matters.
- Appropriate Assessment

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

7.1.1. The site is located approximately 1 kilometre south-east of the town centre of Oughterard and approximately 80 metres outside of the settlement boundary as set out within the current GCDP 2022. There is an existing grass sports pitch set out within the southern part of the appeal site, but no goalposts, flood lighting or facilities building exist on site. There is a metal container on site which is stated to be used for the storage of sports equipment. The applicants set out that the development is located within walking distance of the town centre of Oughterard and in an area where many people walk from the town to the local Oughterard Pier, located approximately 550 metres north-east of the appeal site.

7.1.2. The applicants set out that the proposals would provide for a multi-use sports, community and recreational facility and would be used by the ORFC and a number of local community and sporting organisations including the ladies GAA, the local

scouting and angling clubs, the local youth services group as well as a local cruise company for the parking of tour buses. I note that the ORFC currently have their pitch and training facilities within the town of Oughterard on zoned services lands, although it is stated that the lease on the current site in Oughterard town is due to expire in 2024. I do not consider it absolutely necessary that a sports and recreational facility would be located within an urban area. The applicants make reference to a number of precedents which have been established around Galway with the development of sports facilities for Oughterard soccer, Furbo soccer and GAA clubs, Killanin GAA club all within the county of Galway. I am aware of other precedents where sporting and recreational facilities have been permitted in rural areas serving Salthill Devon soccer club and Clarinbridge-Claregalway GAA club in rural locations in the county of Galway. I am aware of other precedents of permitting sporting facilities within rural locations outside of Galway including the Connacht GAA centre of excellence at Began, Claremorris, the Hawkfield GAA sports facility outside Newbridge town, The Louth Centre of excellence at Darvor, Ardee and the Meath and District league soccer facility outside of Navan town amongst others.

7.1.3. A facility of this nature would serve boys and girls underage rugby teams from u6 to u19, adult ladies and gents rugby teams as well as other local sporting and community groups. The applicants state that a recreational facility of this scale on 4.55 hectares is necessary to cater for existing and future needs of the local sports and community organisations. The development of a sports facility requires a significant amount of land to provide for playing/practice pitches for all of the teams affiliated with the sports clubs. I acknowledge that a site in excess of 4.55 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 and/or residential uses.

7.1.4. The current 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 specific policy objectives SRA1 and SRA4 regarding the development of strengthening community facilities for all ages

within the community and the development of multi-use community facilities as per policy objective MU1.

7.1.5. In conclusion, I note that the ORFC has developed a pitch facility within the southern section of the appeal site. The Oughterard club would draw its membership from the urban area of Oughteard as well as its rural hinterland. It would, therefore, be appropriate in my view to locate a sports and recreational facility of this scale in a rural area provided that that area is suitably located adjacent to a settlement centre, is easily accessible and serviceable. I am satisfied that the subject site is appropriately located (within 80 metres of the Oughterard settlement boundary), a point supported and acknowledged by the local sporting and community organisations who submitted letters of support for the proposals. The issues of traffic, accessibility and flooding will be addressed below in Section 7.4 of this assessment.

## 7.2. Access and Traffic

7.2.1. The reason for refusal as set out by the Planning Authority specifically references the volume and type of traffic that the proposals would generate on a local roadway with a narrow carriageway width, and that public safety would be endangered as a result of the proposals. The third-party observers submit that the local road network has insufficient capacity to cater for the proposals.

7.2.2. Access to the site is proposed via an agricultural entrance off the L-5334-Pier Road, which links Oughterard Pier with the town of Oughterard approximately 850 metres east of the junction of the N59 with Pier Road. I note that Pier Road is used to access approximately 16 dwellings (as per the GIS mapping), 11 of which are located further east along Pier Road, a number of agricultural holdings and Oughterard Pier. The road has a carriageway width of approximately 4.2 metres at the entrance point to the appeal site but narrows to 3.7 metres further east of the appeal site. There are two pull-in bay areas further west along Pier Road which allow for cars/larger vehicles to pass safely. Pier Road demonstrates a good surface condition and is capable of accommodating cars travelling in both directions between

the appeal site and the town. A speed limit of 50 kilometres per hour applies to the road network in the area.

7.2.3. The development provides for 55 car parking spaces and 3 bus parking spaces. The applicants have submitted details of projected traffic volumes associated with their proposals. They set out that the level of traffic generated by the facilities would vary from 20 vehicle movements per day for meetings associated with the Clann youth services up to a maximum of 100 vehicle movements per day on the occasion of a mini rugby blitz which are stated to be held twice annually. The average annual daily traffic movements (AADT) is stated to be 40. These movements would occur once or twice a week for the various sporting and community groupings and many of the activities would run for 34 weeks of the year, from September of one year to May of the next year. Winter is said to be the busiest period when a lot of practice and match activity occurs.

7.2.4. The applicants acknowledge that Pier Road is: A popular walkway for pedestrians and that there is no footpath or cycleway provided on Pier road at present. The also state that the traffic volumes and vehicle speeds are both low. It is noted that there are two passing bays along the road in a westerly direction from the appeal site towards the town. The applicants state that there are negotiations with neighbouring land owners to increase the number of passing bays to four. Letters of agreement in principle with adjoining land owners have been submitted in this regard. Details of correspondence sent to Galway County Council seeking assistance towards the provision of passing bays along Pier Road under the Community Involvement Roadworks Scheme 2022-23 have also been submitted by the applicants. The applicants also reference the TII publication: Rural Link Road Design, 2017 where it is set out that on local roads with a carriageway width of 5.3 metres or less: it may be appropriate to provide passing bays instead of full carriageway widening along the length of the relevant design.

7.2.5. The applicants have set out that the level of traffic anticipated to be generated by the proposals is below the thresholds required for the submission of a Traffic and Transport Assessment or indeed a Roads Safety Audit. They outline that up to 110 kids and mentors would attend the mini rugby practice sessions on Saturday

mornings for those aged 12 years and younger, 30 kids and mentors would attend on Saturday afternoons for the teenage and youth rugby groups and the adults practice on Tuesday and Thursday evenings from 7.30 to 8.30. The facilities would be used by the various rugby groupings for approximately 10-12 hours per week during the season and generally only one of the rugby groupings would attend the facility at any one time. The appellants contend that the traffic levels associated with the sports and recreational proposals are not low, at least not all year round and set out that traffic volumes increase in the Spring and Summer months when the Lough Corrib ferry service operates in and out of Oughterard Pier. The appellants also state that two buses visiting the sporting and community facilities annually is not an accurate reflection of the bus traffic that would attend a sports and recreational facility.

7.2.6. The appellants raise the issue of the Rugby Summer camps which would generate increased traffic volumes during the camp dates. The Connacht rugby summer camp dates for 2023 at ORFC cover a three day period from Tuesday 8<sup>th</sup> to Thursday the 10<sup>th</sup> August. It is difficult to accurately estimate the levels of traffic to and from the facility, given the number of teams and members (approximately 200) involved with the ORFC and the other sporting and community groups who would use the facilities. It is noted however, that not all pitches/amenity areas would be used simultaneously and that the off season for rugby is from mid-May to August when the tourist season is at its busiest. I, therefore, consider that the traffic volumes set out by the applicants would represent a reasonable estimation. I note the existence of the two passing bays and that there are only four dwellings who access directly onto Pier Road further west of the appeal site towards the junction with the N59. I consider that the adjoining roadway has adequate capacity to cater for the relatively modest increase in a traffic levels associated with the sports and recreational facilities which will be used largely during the off peak traffic times, during evening and weekends. I consider that the local road serving the site the L-5334 is of sufficient width and surface condition to cater for the recreational and community development.

7.2.7. In relation to sightlines, the applicants have referenced the NRA publication -Design Manual for Roads and Bridges (DMRB) which provides for an 85 percentile approach for roads with speed limits less than 50 kilometres per hour. From my site inspection,

I am satisfied that this approach is acceptable with most vehicles moving at between 30 and 40 kilometres per hour. Sightlines of 70 metres are permissible in such instances. The applicants have demonstrated that sightlines of 100 metres in both directions from a 2.4 metre set back would be achievable at the access point onto Pier Road having regard to the design speed of the road. I note that the issue of inadequate sightlines at the entrance point was not raised as an issue within the refusal reason.

7.2.8. I note the Roads and Transportation Section of the local authority recommended a refusal of planning permission for the reason as set out within Section 3.1 of my report above. The key issue to be considered is the volume and type of traffic that the proposals would generate. The applicants reference an AADT of 40. This figure is considered low and would equate to the levels of traffic generated by 6 dwelling units. The figure of 40 AADT is an average figure. The worst case scenario presented by the applicants is an AADT of 100. It is stated that these events would occur twice a year during mini rugby blitzes, which again represents a relatively modest figure. I consider that the AADT of 100 is a realistic figure for mini blitzes and many adult rugby matches, as many adult visiting teams would travel by mini bus (25 seater) to matches, the home team would drive to the facility and then team coaches, mentors and back room personnel includes doctor, physio and supporters would drive to the facility.

7.2.9. The appellants set out that ORFC adult men's team would have nine home competitive matches per season which could generate an AADT of 100. These matches would be held on weekend afternoons during the autumn and winter and early spring periods, which is the off peak time for the Corrib Cruises who would use the coach parking and is busiest during the peak tourist summer months. I note the introduction of additional passing bays and note the provisions of the 2017 TII guidance, Rural link Road design, which provides for the development of passing bays as a mechanism of managing traffic on local roads. On balance, given the relatively modest level of traffic that the facilities would generate, the existence of the two passing bays, the proposals to introduce two additional passing bays and that subject to the submission of a Traffic Management Plan for the construction and operational periods of the development, that Pier Road has adequate capacity to

cater for the relatively modest increase in traffic levels proposed. I consider that the free flow of traffic on the adjoining public roadway would not be adversely impacted by the sports and recreational proposals. The type of traffic generated would largely be cars, with visiting teams largely travelling using buses which are provided for on site.

7.2.10. In terms of the road width, which is approximately 4.2 metres at the access point to the appeal site and broadens in sections between the appeal site and the N59. There are two passing bays in existence along this stretch of Pier Road and 4 dwellings are accessed off Pier Road between the appeal site and the N59. I acknowledge that each case must be considered on its individual merits. However, I note the Planning Authority have permitted similar sports and recreational developments in West Galway which are accessed off similar local county roads, to that of Pier Road. Therefore, on balance, I consider that the type and volume of traffic to be relatively modest and that the local roadway has adequate capacity to cater for same.

7.2.11. In conclusion, I consider that the road network serving the site is adequate to cater for the additional traffic generated by the development. A 50km/h speed limit applies in this area; however, the design speed would be lower from my observations during my site inspection. I do not consider the daily traffic generated by the development will be hugely significant. The proposals will generate increased traffic movements at the weekend, evening times and on match days, including bus movements and the associated vehicular turning movements at the junction of the Pier Road with the N59, however, again these are within the 50 kilometre per hour speed control zone. I am satisfied that sightlines in accordance with best practice standards would be achieved and that the reason for refusal as set out by the Planning Authority has been adequately addressed and supported by the predicted traffic data submitted by the applicants, prepared by their Consultant Engineer and which I consider is reasonable and balanced in its analysis and conclusions.

### 7.3. **Visual Amenity**



- 7.3.1. The site is located within a lake environs landscape designated as Class 4, 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. The observers set out that the proposals would provide for a number of sporting, community and recreational pitches and courts and a single storey facilities building, set back from the public roadway and the existing and proposed natural screening will allow the proposals to blend appropriately within the local landscape, where site levels are not elevated. The observers set out that the proposals, including the facilities building will adversely impact on the visual amenity of the area, especially the proposals for flood lighting, ball netting and the facilities building adversely impacting views over the local landscape.
- 7.3.2. The site is flat in nature with site levels being consistent with those of the adjoining public roadway. Furthermore, the landscaping plan submitted provides for any stripped off peat would be used for landscaping purposes elsewhere within the site. There are existing hedgerow boundaries along the northern, southern and eastern site boundaries and these are proposed to be retained. The landscaping proposals are intended to enhance the biodiversity of the site. I consider this approach to be acceptable.
- 7.3.3. I am satisfied that the development, as proposed would not represent a serious visual intrusion at this location, given the existence of mature boundary treatment, around the perimeter of the site which would be maintained under the proposals. Extensive landscaping is also proposed and is a matter that can be suitably addressed by means of a planning condition. In relation to the facilities building, I note that a single storey design as presented and that the structure would be located set back from the public roadway, by a distance of approximately 330 metres. The nearest dwelling would be located approximately 190 metres from the nearest appeal site boundary. I am satisfied that the design and scale of the low level facilities structure, which is functional in nature, will not be over dominant nor clearly

visible from the public roadway nor from neighbouring residential properties due to the intervening hedgerows in the vicinity of the appeal site.

- 7.3.4. There are a number of protected views in the area, viewpoints number 27 and 28 as set out with Appendix 4 of the current GCDP. I am satisfied these views are located approximately 550 metres north east of the appeal site and given the separation distances and the existence of intervening hedgerows and vegetation, that the proposals will not adversely impact upon these views at Oughterard Pier which largely relate to views overlooking Lough Corrib.
- 7.3.5. 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 lake shore of Lough Corrib.

#### **7.4. Flooding and Wastewater**

- 7.4.1. The northern portion of the appeal site is located within Flood Zones A and B as per the flood mapping prepared as part of the review of the current GCDP which was adopted in 2022. The remainder of the appeal site, including the location of the facilities building and the effluent treatment system is located within Flood Zone C. I note that much of the development, namely the setting out of pitches and amenity areas would not constitute vulnerable uses as defined within the Flood Risk Management Guidelines (FRMG's) 2009. There is bus parking and part of an amenity area located within the Flood Zones A & B and these uses are not considered vulnerable as per the provisions of the FRMG's. The appellants set out that petrochemicals could leak from a bus parked within the coach parking area during a flood event and adversely impact upon the water quality within the Owenriff River which ultimately feeds into the Lough Corrib SAC and SPA. This is a matter that will be considered within Section 8 of my assessment, in relation to Appropriate Assessment.
- 7.4.2. I note that the appeal site contains a number of drainage channels around the perimeter of the site and throughout the northern section of the site. The soils in the northern part of the appeal site comprise peat to a depth of approximately 1 metre, as per the information included within the Site Characterisation Report (SCR) and

the peat is underlain by limestone. The applicants have submitted surface water management proposals, including SuDS in the form of soakpits and attenuation tanks for the management of surface water within the site. I note that the majority of the appeal site will remain permeable, except for the facilities building which is located in the southern section of the site where the soils comprise free draining clay soils.

- 7.4.3. I have consulted with the OPW website, floodinfo.ie and there are no records of flood events within the appeal site nor within its vicinity. In conclusion, I consider that given that flood assessments has been conducted recently as part of the preparation of the current GCDP 2022 and given their on-site surface water management proposals, including the use of SuDS, that the site will largely remain in a greenfield state, I consider that the proposals will not increase the risk of flooding on site nor within the vicinity of the appeal site.
- 7.4.4. In relation to wastewater treatment the applicants submitted a Site Characterisation Report (SCR). The SCR identifies that the appeal site overlies a locally Important Aquifer where the bedrock vulnerability is classified as “High”. A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a packaged wastewater treatment system based on a design for 40 population equivalent (subject to normal good practice) and subject to condition (1) ‘that there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) ‘a secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter)’. The applicant’s Site Characterisation Report identifies that there is a Groundwater Protection Scheme in the area.
- 7.4.5. The trial hole depth referenced in the Site Characterisation Report (SCR) was dug to a depth of 0.8 metres when bedrock was encountered. Accordingly, the T-test was abandoned. An average P-value of 14.03 was recorded. The soil conditions found in the trial hole were stated as comprising clay/silt clay to a depth of 0.8 metres and underlain by Granite/limestone bedrock.

- 7.4.6. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water. It is proposed to install a packaged waste water treatment system (40 PE Secondary Waste Water Treatment unit) and raised polishing filter bed (95 square metres). Based on the results set out within the SCR, I consider that the site is suitable for a secondary treatment system discharging to groundwater.
- 7.4.7. In conclusion, I consider that that the wastewater proposals are acceptable and would accord with Section 7.5.5 of the current GCDP and demonstrated compliance with the EPA, Code of Practice, for Small Communities, Business, Leisure Centre and Hotels 1999, and that all separation distances in accordance with the EPA standards are achievable.

## 7.5. Other Matters

### Natural Heritage

- 7.5.1. The observers assert that the development will adversely impact upon protected bat species who use the area for feeding, foraging and roosting purposes. This particular matter will be addressed within Section 8 of my report below, in relation to Appropriate Assessment.

## 8.0 Appropriate Assessment Screening

### Background to Application

- 8.1.1. An Appropriate Assessment Screening Report and Natura Impact Statement were submitted as part of the planning documentation. 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.

- 8.1.2. 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.
- 8.1.3. The applicants AA Screening Report concludes that: A significant effect cannot be ruled out to the Lough Corrib SAC and SPA and as such Stage 2 AA is required.
- 8.1.4. As a result, an Appropriate Assessment is required. A Natura Impact Statement (NIS) has been submitted in respect of the proposed development to inform such an assessment, if deemed required by the Board.

### **AA Screening**

- 8.1.5. 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).
- 8.1.6. 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**

- 8.1.7. The development is located on a greenfield site in a rural area, located approximately 1 kilometre east of the town centre of Oughterard, within the townland of Lemonfield, approximately 200 metres from the south-western shore of Lough Corrib, and approximately 550 metres south-west of Oughterard Pier. The development would comprise playing pitches, amenity areas, a facilities building, car and bus parking facilities. The development would be served by a proprietary wastewater treatment system and a connection to the public watermains. There are a number of surface water channels around the perimeter of and within the northern portion of the appeal site. The Owenriff watercourse is located further north of the appeal site on the opposite side of the Pier Road. Surface water on site would be managed within soakpits and attenuation tanks. Surface water would ultimately

outfall to the Owenriff River which in turn directly outfalls to Lough Corrib. The appeal site is located approximately 20 metres south of the Lough Corrib SAC and 112 metres south-west of the Lough Corrib SPA.

### **Submissions/Observations**

- 8.1.8. I have reviewed the submissions and observations made, and I note that issues in relation of biodiversity and potential to adversely impact upon adjacent Natura 2000 sites were raised. The Department of Tourism, Culture, Arts, Gaeltacht, Sports and the Media 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 mitigation measures as outlined in the NIS and the EclA be included as a condition of planning

### **Characteristics of Project:**

- 8.1.9. The relevant characteristics of the project that may give rise to potentially impact upon European sites, both during the construction and operational phases are as follows.

Construction impacts:

- 8.1.10. The potential effects that I have identified include:

- Deterioration of water quality arising from increased sediment and hydrocarbons in surface water and subsequent effect on water based habitats and bird and aquatic species.
- Potential for disturbance of otter and bat species.

Operational Impacts:

- Deterioration of water quality and subsequent effect on water based habitats, bird and aquatic species.
- Potential for light disturbance to adversely impact upon protected bird species.

## Designated Sites and Zone of Influence

- 8.1.11. 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.
- 8.1.12. A number of European sites in the wider area were examined by the applicant and found not to be within a likely zone of influence due to the distances from the appeal site and the absence of ecological pathways between them and the appeal site or due to the significant separation distances between them and the appeal site. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.
- 8.1.13. The following Natura 2000 sites are considered to be located within a possible the zone of influence of the proposed site.

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Lough Corrib SAC 000297	Freshwater Pearl Mussel White-clawed Crayfish Sea Lamprey Brook Lamprey Salmon Lesser Horseshoe Bat Otter Slender Green Feather-moss	20 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 land drains and the Owenriff River. Potential for release of sediment and/or hydrocarbons to surface waters during construction and operations of development. Potential for disturbance and/or displacement of bat and Otter species during	Yes.

	<p>Slender Naiad</p> <p>Oligotrophic waters</p> <p>Oligotrophic to mesotrophic standing waters with vegetation</p> <p>Hard oligo-mesotrophic waters with benthic vegetation</p> <p>Water courses of plain to montane levels</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Calcareous fens</p> <p>Petrifying springs with tufa formation (</p>		<p>construction and operational phases.</p>	
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	Alkaline fens  Limestone pavements  Old sessile oak woods  Bog woodland			
<b>Lough Corrib SPA 004042</b>	Black-throated Diver (Gavia arctica) [A002]  Great Northern Diver  Cormorant.  Grey Heron.  Light-bellied Brent Goose.  Wigeon.  Teal.  Red-breasted Merganser.  Ringed Plover.  Golden Plover.  Lapwing.  Dunlin.  Bar-tailed Godwit.  Curlew.  Redshank.  Turnstone.	112 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 Lough Corrib via land drains and the Owenriff River. Potential for release of sediment and/or hydrocarbons to surface waters during construction activities. Potential for indirect impact upon feeding/foraging/roosting areas for wetland winter birds identified as qualifying interests within the SPA during the construction phase.	Yes.

	Black-headed Gull.			
	Common Gull.			
	Sandwich Tern.			
	Common Tern.			
	Wetland and Waterbirds.			

8.1.14. 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 within the appeal site boundaries, 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**

8.1.15. The Lough Corrib SAC and SPA, are the two European sites being considered as part of this assessment due to the possibility of habitat degradation due to a risk of potential construction and operational impacts in the form of release of hydrocarbons and/or sediment during groundwork excavations and the potential for adverse impacts to arise with the surface water drainage discharging to the Lough resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on transitional water quality.

8.1.16. There is also the possibility that the roosting and/or foraging/feeding habitats for the Lesser Horseshoe Bat, a qualifying interest (QI) within the Lough Corrib SAC could be adversely impacted as a result of the proposals. The nesting and foraging habitats of the Wetland Winterbirds which are identified as Qis within the adjacent Lough Corrib SPA could also be adversely impacted by the proposals by virtue of water quality degradation and disturbance to the species.

8.1.17. Best practice construction methods would be conditioned and implemented, and environmental considerations such as noise, dust and vibration would be addressed

as part of a Construction Environmental Management Plan (CEMP), which would be required to be submitted to and for the written agreement of the Planning Authority. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition.

- 8.1.18. The information provided within the Ecological impact assessment (EclA), specifically Sections 5.2.1 and 5.11 state that the appeal; site does not provide suitable habitat for any of the species which are identified as Qi; s within the SPA and SAC sites. No water quality objectives have been set out for the Lough Corrib SPA/SAC. Catchments.ie have classified the water quality within Lough Corrib as good and not being at risk, which would indicate that the Lough Corrib SPA/SAC has not been impacted upon by either wastewater or surface water outfalls from development within the county area to date. I am also satisfied that there is adequate capacity within the foul sewer network to cater for the foul effluent arising from the development. For these reasons, I am satisfied that it is unlikely that habitat loss or disturbance of habitat or species listed as Qualifying interests would arise in this instance and, therefore, that likely significant effects upon the integrity of these European sites can be screened out.
- 8.1.19. I consider that there is potential for the outfall of sediment and/or hydrocarbons to the surface water network during the construction/operational periods to adversely impact upon water quality within Lough Corrib. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.
- 8.1.20. From an examination of the NPWS datasets, in particular map numbers 3 oligotrophic and mesotrophic waters, Freshwater Pearl Mussel (Map number 9) and the Otter (Map number 12). associated with the Conservation objectives of the Lough Corrib SAC, I consider that pollutants arising from on-site construction activities could result in significant effects to invertebrates within the lake habitats, aquatic life and species within this European site and, therefore, potentially adversely impacting upon these specific qualifying interests within the Lough Corrib SAC.

- 8.1.21. No evidence of the Lesser Horseshoe Bat (LHB) species for which the Lough Corrib SAC European site within the vicinity has been designated, was recorded within the appeal site, and I note that the appeal site does not provide suitable foraging or roosting habitat for this particular protected bat species. Map number 11 of the Conservation objectives of the NPWS datasets includes details of LHB roosting and foraging areas to the north west of Lough Corrib and not in the vicinity of the appeal site. For this reason, the LHB species can be screened out.
- 8.1.22. The surface water management proposals, including SuDs, proposed for the operational phase are considered adequate to serve the development and would not result in adverse impacts upon the European sites. I am of the opinion that the water supply within Lough Corrib would not be adversely impacted upon as the design of the water network would provide for a non-reversible valve, thereby eliminating that as a source of contamination. Therefore, I am satisfied that these particular potential impacts do not require further assessment in the context of Appropriate Assessment.
- 8.1.23. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites in Oughterard, however, through the use of best practice construction methods and the fact that all of the zoned lands in Oughterard would have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Galway County Development Plans of 2016 and 2022. Therefore, the cumulative environmental impact of all of the zoned lands being developed would have been considered and deemed acceptable.
- 8.1.24. Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential adverse construction impacts that may arise in relation to the nearest European sites, the Lough Corrib SAC and SPA. This conclusion is consistent with that of the applicant.
- 8.1.25. I am therefore, of the opinion that the designated sites, namely the Lough Corrib SAC and the Lough Corrib SPA require further consideration.

### **Screening Determination**

8.1.26. 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 have significant adverse effects on two European Sites, namely the Lough Corrib SAC and the Lough Corrib SPA, and Appropriate Assessment is, therefore, required.

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

8.1.27. The application included a Natura Impact Statement (NIS) for the proposed sports and recreation development at Lemonfield, Oughterard. The NIS examines and assesses potential **for** adverse effects of the proposed development on Lough Corrib SAC and SPA. Section 3 of the NIS outlines the characteristics of the SAC. Section 5 sets out the potential impacts arising from the construction and operational phases of the development on the Lough Corrib SAC and SPA and includes details of mitigation measures.

8.1.28. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European site alone, or in combination with other plans and projects can be excluded.

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

8.1.29. The following is an assessment of the implications of the project on the qualifying interest features of Lough Corrib SAC and SPA using the best scientific knowledge available in the field as provided for in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.1.30. A number of Qualifying Interests (QI's) within the Lough Corrib SAC and SPA have been removed from further assessment as the potential for significant effects on these particular QI's has been ruled out due largely to the absence of hydrological pathways between the appeal site and these particular QI's, the lack of suitable

habitat available within the appeal site boundaries for the particular QI's, and/or the significant separation distance between the appeal site and the particular QI's .

These QI's include: Active raised bog, Limestone Pavement, Woodland habitat, Feather Moss, White clawed Crayfish, Slender Naiad, the Lesser Horseshoe Bat, Otter, Gadwall, Shoveler, Pochard, Tufted Duck, Common Scoter, Blacked headed/Common Gull, Hen Harrier, Common and Arctic Tern.

8.1.31. A description of the designated sites and their Conservation Objectives and Qualifying Interests ([www.npws.ie](http://www.npws.ie)), are set out in the screening assessment above, and repeated in Tables 2 and 3 below. 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:

<b>Name of European Site, Designation, site code:</b> Lough Corrib SAC, 000297						
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>• Habitat degradation/loss</li> <li>• Disturbance of QI species</li> </ul>						
Conservation Objective: To maintain or restore the favourable conservation status of habitats and species within the Lough Corrib SAC.						
		<b>Summary of Appropriate Assessment</b>				
<b>Qualifying Interest feature</b>	<b>Conservation Objectives  Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>	
Oligotrophiiic waters containing very few minerals of sandy plains.	To restore the favourable conservation status of the waters containing	Deterioration in water quality arising from sedimentation and release of hydrocarbons	Silt fencing adjacent to land drains and stockpiled material. Careful storage	No significant in-combination adverse effects	Yes	

	very few minerals.	to surface water channels and/or groundwater arising from construction activities on site and potentially adversely impacting upon protected habitat	and handling of harmful materials including hydrocarbons, Wastewater treatment system will be installed and maintained in accordance with best practice. Fuel interceptors will be installed prior to discharge of surface water to soakpits and /or on site surface water attenuation tanks.		
Oligotrophic to Mesotrophic waters standing waters with vegetation	To restore the favourable conservation status of the standing waters with vegetation	As above	As above	No significant in-combination adverse effects	Yes
Hard Oligo-Mesotrophic waters with Benthic vegetation	To restore the favourable conservation status of the Hard Oligo-Mesotrophic waters with Benthic vegetation	As above	As above	No significant in-combination adverse effects	Yes
Water courses of plan to montane levels	To restore the favourable conservation status of the Hard Oligo-Mesotrophic waters with Benthic vegetation	As above	As above	No significant in-combination adverse effects	Yes

Petrifying Springs with Tufa formation	To restore the favourable conservation condition of petrifying springs.	As above	As above	No significant in-combination adverse effects	Yes
Calcareous Fens	To maintain the favourable conservation condition of calcareous Fens	As above	As above	No significant in-combination adverse effects	Yes
Alkaline Fens	To maintain the favourable conservation condition of Alkaline fens	As above	As above	No significant in-combination adverse effects	Yes
Freshwater Pearl Mussel	To restore the favourable conservation condition of the Freshwater Pearl Mussel	As above	As above	No significant in-combination adverse effects	Yes
Sea Lamprey	To restore the favourable conservation condition of Sea Lamprey	As above	As above	No significant in-combination adverse effects	Yes
Brook Lamprey	To maintain the favourable conservation condition of Brook Lamprey	As above	As above	No significant in-combination adverse effects	Yes
Salmon	To maintain the favourable conservation condition of Salmon	As above	As above	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:**

<p><b>Name of European Site, Designation, site code:</b> Lough Corrib SPA 004042</p> <p>Summary of Key issues that could give rise to adverse effects.</p> <ul style="list-style-type: none"> <li>• Water Quality and water dependant habitats</li> </ul> <p><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.</p>					
		<b>Summary of Appropriate Assessment</b>			
<b>Qualifying Interest feature</b>	<b>Conservation Objectives  Targets and attributes</b>	<b>Potential adverse effects</b>	<b>Mitigation measures</b>	<b>In-combination effects</b>	<b>Can adverse effects on integrity be excluded?</b>
Wetlands	To maintain or restore the favourable conservation condition of the wetland Habitat of Lough Corrib SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction activities on site.	Silt fencing adjacent to land drains and stockpiled material. Careful storage and handling of harmful materials including hydrocarbons, Wastewater treatment system will be installed and maintained in accordance with best practice. Fuel interceptors will be installed prior to discharge of surface water	No significant in-combination adverse effects	yes

			to soakpits and /or on site surface water attenuation tanks.		
<p><b>Overall conclusion: Integrity test</b></p> <p>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.</p>					

8.1.32. 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 Lough Corrib SAC of the Lough Corrib 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**

8.1.33. 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 Lough Corrib SAC and the Lough Corrib 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.

8.1.34. 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 Lough Corrib SAC or the Lough Corrib 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.

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 Lough Corrib SAC or the Lough Corrib 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 location of the appeal site in close proximity to the settlement boundary of Oughterard, the established recreational uses within the southern section of the appeal site, proximity to the settlement of Oughterard and to the nature, scale and design of the proposed sports, community 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 on the 23<sup>rd</sup> day of June 2021 and as amended by the further plans and particulars submitted on the the 29<sup>th</sup> day of November 2021 and by further plans and particulars received by An Bord Pleanála on the 19<sup>th</sup> day of May 2023, 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 entrance setbacks at the junction of the L-5334 and the appeal site, improved road signage and markings
- (b) The sight distance triangles at the proposed vehicular access off the L-5334 shall be permanently maintained and kept free of obstruction at all times.
- (c) All vehicles associated with the sports, recreation and community facilities shall be parked within the designated parking areas as included within the Site Plan submitted to the Planning Authority on the 24th day of August 2021. No parking along the road frontage with the L-5334 shall be permitted.

**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 bicycle parking spaces within the appeal site boundary.
  - (b) Details of covered bicycle parking shelters with capacity for a minimum of 55 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 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) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the detail submitted to the Planning Authority on the 29<sup>th</sup> day of November 2021. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Small Communities, Business, Leisure Centres and Hotels (p.e. ≥ 10) – Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) Within three months of the opening of the facilities building, 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development. The landscaping shall be carried out within the first planting season following

substantial completion of external construction works. The existing mature hedgerows and trees 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 proposals. The scheme shall include the following.

(a) A Landscape plan to scale of not less than 1:50 showing existing hedgerows and shrubs to be retained as features of the site landscaping, measures to be put in place to protect the existing landscape features, details of semi-mature native deciduous species including Oak, Ash, Holly and Alder or other species to be specified.

(b) specification or mounding, leveling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for the implementation of the landscaping.

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

**Reason:** In the interest of residential and visual amenity

- 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 facilities building, 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 measures cited in Section 5.2 of the Natura Impact Statement submitted to the Planning Authority on the 23rd day of June 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 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.

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Fergal Ó Bric  
Planning Inspectorate

8th day of June 2023