



An
Bord
Pleanála

Inspector's Report

ABP-313513-22

Development

Permission for the retention of storage yard including hardcore fill, palisade security perimeter fencing, welfare building, commercial trailers used for storage purposes and all associated services.

Location

Lavally, Gort, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

22/60111

Applicant(s)

James Mannion

Type of Application

Permission

Planning Authority Decision

Refuse planning permission

Appellant(s)

James Mannion

Observer(s)

None

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 to the south-east of the settlement of Gort, with access off the northern section of Station Road/Pound Road which in turn links into Bridge Street in the town centre. The appeal site is surfaced with hardcore fill. There are a number of HGV trailers (eleven on the day of my site inspection) parked within the appeal site and a number of wooden storage crates. The trailers and crates all contain floor tiles which are stored on site and related to a tile retail business located elsewhere. There is a small building on site which is empty at present, but as set out within the public notices is stated to be a welfare building.
- 1.2. There is an appeal site, Board reference number 313259-22 located on a neighbouring site, south-west of this appeal site, which relates to a current appeal for a mixed use development. The Galway to Dublin rail line is located immediately east of the appeal site, the Gort rail station is located immediately southeast of the appeal site and a builder's providers (TJ O 'Mahony) is located immediately south of the appeal site. The Gort River is located within 66 metres of the north-western appeal site boundary and a riverside walk is located along the eastern bank of the river channel. The access point off the Station/Pound Road, within the 50 kilometre per hour speed control zone.
- 1.3. The site has a stated area of 0.619 hectares. Site levels are elevated by approximately three metres above those of the adjoining public road, though the site levels are consistent with those of the neighbouring rail line and Builders providers business. There is a 2.4 metre palisade fence erected around the perimeter of the appeal site boundaries.

2.0 Proposed Development

- 2.1. Permission is sought to retain a storage yard with a hardcore fill surface, palisade security fencing around the perimeter of the site, a welfare building with a floor area of twelve square metres (sq. m.) and a maximum pitched roof height of 2.6 metres. It is also sought to retain commercial HGV trailers used for storage purposes.
- 2.2. Access to the appeal site is from the Station/Pound Road which narrows in width from approximately five metres close to its junction with Bridge Street to

approximately four metres after the rear entrance access to the TJ O Mahony builders providers premises. There is a footpath with streetlighting from Bridge Street as far as the Gort rail station entrance and it is proposed to continue the footpath and streetlighting under the proposals being presently considered by the Board under reference 313259-22 which would bring the footpath to within approximately forty metres of the appeal site entrance.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for five reasons which can be summarised as follows:

- 1 The local access Road (Station Road) is not of a standard (i.e., DMURS) to facilitate the development. The average width is approximately four metres and its horizontal alignment from its junction with the R458 will not facilitate the safe access and egress of HGV's and increased traffic levels to and from the site. Furthermore, the Planning Authority are not satisfied that the existing site entrance has the benefit of planning permission. The Planning Authority consider that the development, if permitted, would interfere with the safety and free flow of traffic, would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise and would be contrary to the proper planning and sustainable development of the area.
- 2 The road used for access to the development is heavily used by pedestrians linking Station Road to Pound Road. In the absence of pedestrian infrastructure in the vicinity of the site, any increase in traffic, particularly HGV and delivery vehicle traffic, will likely result in a significant safety hazard to pedestrians. The proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise and, would therefore, be contrary to the proper planning and sustainable development of the area.
- 3 The Planning Authority have concerns in relation to the traffic aspects of the development in the absence of a Road Safety Audit and Traffic and Transport Assessment. Therefore, if permitted, the development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise.

- 4 Based on the deficiency of information submitted in relation to surface water disposal, details of materials imported on site and relevant ecological and hydrological assessments, the Planning Authority cannot be satisfied that likely significant effects of the development on European sites can be screened out. Proposals would be contrary to specific objective DS6 of the Galway County Development Plan 2015-21 and contrary to the proper planning and sustainable development of the area.
- 5 Based on the information received, it is considered that the use of the site as a stand-alone trailer storage facility for an unidentified business is not considered to align with the uses set out in specific objective LU3 for industrial zoned lands in the Gort Local Area Plan 2013-2023. It is considered that the use is not compatible with the land use zoning objective pertaining to the site and, therefore, would be contrary to the LU3 objective and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Planning report (1st day of April 2022)

This report sets out that the proposals would be unacceptable on traffic and access grounds given the site location at the northern end of Station Road where the carriageway width narrows and given the nature of the HGV traffic that is associated with the development. Also, the potential to adversely impact upon pedestrians who use this route linking Station Road with Pound Road, the development would be contrary to specific land use objective LU3 in relation to the provision of warehousing at accessible locations and that the applicant has not demonstrated that the development would not adversely impact upon European sites.

3.2.2. Other Technical Reports

Environment Department: The applicant has failed to submit details in relation to management of storm water within the site nor details of a hydrocarbon interceptor on site.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

Three third party observations were received. The issues raised relate to the following:

- Access road width to serve HGV traffic and pedestrian safety.
- Absence of a footpath to the appeal site.
- Existing site entrance is unauthorised.
- Development should have been subject to Appropriate Assessment and Environmental Impact Assessment.
- No drainage provisions on site.
- Proposals would establish an undesirable planning precedent.
- Adverse visual impact from the neighbouring Gort riverside walk.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the apparel site.

Subject Site:

Planning Authority reference 19/37. In 2019, Galway County Council refused planning permission to construct three warehouse units (2,100 sq. m) ancillary offices, parking, ancillary site services. The reasons for refusal related to adverse impact upon traffic safety and adverse impact upon pedestrian safety.

Unauthorised Development:

Planning enforcement reference number EN21/008, issued in December 2021 which related to the opening of an unauthorised entrance, the unauthorised laying of hardcore fill, conducting an unauthorised use from the site and the development of an unauthorised building on the site.

5.0 Policy Context

5.1. Gort Local Area Plan 2013-2023

The appeal site has the benefit of an I- (Industrial) land use zoning objective.

The zoning matrix sets out that warehousing is permissible on Industrial zoned lands.

The following specific policies and objectives are considered relevant to the current proposals:

LU3: – Industrial (I) (refer to Maps 1A/1B) To promote the sustainable development of industrial and industrial-related uses, including manufacturing, processing of materials, warehousing and distribution, on suitable lands with adequate services and facilities and a high level of access to the major road network and public transport facilities. Adequate edge treatments and/or screening will be required to ensure high quality interfaces with public spaces and any adjoining residential areas or other sensitive land uses, as appropriate.

Section 3.4 -Economic Development:

Objective ED2:

Business/Enterprise and Industrial Development (refer to Maps 2A/2B) Facilitate and encourage the establishment of business, enterprise and industrial developments that are considered compatible with surrounding uses on suitably zoned and serviced sites. Where such uses are developed adjacent to residential areas or community facilities, buffer zones shall be provided as well as adequate screening, in the form of planting and landscaping, as appropriate. The Business and Enterprise

(BE) and Industrial (I) zonings will be the primary focus for such uses, subject to the guidance provided in DM Guideline LU2 – Land Use Zoning Matrix.

Objective ED5: Quality Working Environments:

Encourage the provision of high quality designs (including variations in design and scale), layout, boundary treatment and arrival views of development within Industrial (I) and Business and Enterprise (BE) zonings in order to contribute positively to the character and visual amenity of the area.

The appeal site is located within Flood Zone C as per Map 3B within the current Gort LAP. Part of Station Road, in proximity to its junction with Bridge Street is located within Flood Zone B.

5.2. Galway County Development Plan, 2022-2028

The Development Plan was adopted by the elected members on the 9th May and came into effect on the 20th day of June 2022.

Section 2 of the Plan places Gort within Tier 4 of the Settlement Strategy-Self-sustaining towns.

Section 5: Economic Development, Enterprise and Retail Development

Section 7 Infrastructure. Utilities and Environmental Protection

WW 7 Sustainable Drainage Systems

To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

WW 8 Storm Water Infrastructure

To support the improvement of storm water infrastructure and to increase the use of sustainable drainage and reduce the risk of flooding in urban environments.

Section 15: Development Management Standards

DM standard 19: Industrial/Commercial/Enterprise

5.3. **National Guidance**

5.3.1. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Design Manual for Urban Roads and Streets' (DMURS 2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (DoEH&LG 2009)
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009)

5.4. **Natural Heritage Designations**

The closest Natura 2000 sites to the appeal site are the Coole Garryland SPA (Site Code 004107), which at its closest point by land is located approximately 1.7 kilometres north-west of the appeal site. and the Coole Garryland SAC (Site Code 000252), which at its closest point by land is also located approximately 1.7 kilometres north-west of the appeal site.

The closest Natural Heritage Area (NHA) is the Coole Garryland pNHA, (site code 000252), which at its closest point is located approximately 1.7 kilometres north-west of the appeal site boundary.

5.5. **Environmental Impact Assessment (EIA) Screening**

- 5.6. The applicant is seeking to retain a hardcore surface storage yard, palisade security fencing around the perimeter of the site, a welfare building with a floor area of twelve square metres (sq. m.) and a maximum pitched roof height of 2.6 metres. It is also sought to retain eleven commercial HGV trailers used for storage purposes.

The site has an overall area of 0.62 hectares (ha.) and is located contiguous to the built-up area of Gort. The site area is well below the threshold of 2 hectares set out within Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended). The site is located adjacent to a business district and constitutes a brownfield site, in that the site has been surfaced with hardcore fill.

An Environmental Impact Assessment Screening Report was not submitted with the appeal. The development is sub-threshold in that the scale, nature and footprint is not significant and, the overall probability of impacts upon the receiving environment is considered to be low. It determined that an EIA is not required for the development proposals as there will be no significant effects.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- An industrial estate where the site area would exceed 15 hectares.
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

The site area is, therefore, well below the applicable threshold of two hectares for a commercial area within a town. Although the site is zoned for industrial purposes, it does not form part of an industrial estate and, therefore, the 15 hectare threshold is not considered applicable in this particular instance.

As per the criteria set out within Schedule 7 of the Planning and Development Regulations 2001 (as amended), as to whether a development would/would not have a significant effect on the environment, the introduction of a storage use will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not located within an area of landscape sensitivity or of natural or cultural heritage, and the proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 7.5 of my report). There is no hydrological connection present such as would give rise to significant impact on

nearby watercourses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Galway County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that have the benefit of an Industrial zoning objective under the provisions of the Gort Local Area Plan 2013-23, and the results of the Strategic Environmental Assessment of the Galway County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the designated settlement boundary of the Gort urban area, which is served by public infrastructure, and the existing pattern of residential, commercial, community and transport infrastructure development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development,” issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, having regard to the nature, scale and location of the subject site within the confines of the settlement boundary on serviceable lands, the development would not be likely to have significant effects on the environment. On preliminary examination, there is no real likelihood of significant effects on the

environment, arising from the development. The need for Environmental Impact Assessment Report (EIAR) can, therefore, be excluded at preliminary examination.

6.0 The Appeal

Grounds of Appeal:

- 6.1. A first-party appeal was received from Mr. Brendan Slevin Chartered Engineer, on behalf of Mr James Mannion, (the applicant) which addresses the reasons for refusal as set out by the Planning Authority on a topic related basis as follows.

Principle of Development:

- The appeal site is zoned for industrial use under the Gort Local Area Plan 2013-2023.

Land use zoning and uses proposed:

- The appeal site is used for the storage of floor tiles and deliveries are made occasionally.
- The tiles are stored on site until required within the applicants' retail tile business and are collected from the site in transit sized vans.
- The yard is used for storing floor tiles ancillary to the applicants' tile retail business.
- No retailing occurs directly from the storage yard.
- The Covid 19 Pandemic caused problems with logistics and deliveries and the applicant was required to order goods several months in advance to ensure stock availability and used the trailers as a temporary storage solution.
- The applicant requests that he be allowed retain the hardcore and security fencing even if the storage trailers are not permitted.
- Prior to the applicant carrying out the works on his lands, the lands were being used for illegal dumping purposes. The removal of the palisade fencing would result in illegal dumping re-commencing along this lightly trafficked road.

Access, Connectivity & Traffic:

- The access road to the site also serves an existing Builders Providers commercial premises.
- The existing site has received numerous articulated truck deliveries several times a week without impact upon the local road, its users or adversely impacting the junction with Bridge Street.
- The access road is lightly trafficked once beyond the access to the builder's providers premises.
- The Local Authority has erected a traffic barrier beyond the access to the Builders providers in agreement with the local land owners to prevent illegal dumping in the area.
- The roadway is narrow beyond the builder's providers access point, however there is no pedestrian traffic on this road and only occasional agricultural traffic.
- A riverside walk has been developed along the banks of the Gort river and pedestrians can enter directly to this walkway from Bridge Street.
- The absence of pedestrians on this stretch of road fronting the appeal site has allowed the Local Authority to erect the traffic barrier.
- The Gort riverside walk had not been developed during the assessment of the proposals for the warehousing on the appeal site in 2019.
- The volume of traffic accessing the storage yard averages one vehicle movement per day.
- The appeal site is located off a very lightly trafficked road which also serves as an access to the local rail station, a builders providers depot and some farmlands.

Services:

- The development does not give rise to surface water run-off.

- The applicant has covered the site with hardcore fill which is a permeable surface.
- There are no vehicles stored on site and therefore, no hydrocarbon run off issues arise.
- The volume of surface water run-off from the trailers and utility building are easily accommodated by the existing natural infiltration on the site.

6.2. **Planning Authority Response**

None received.

7.0 **Assessment**

The key issues are those raised within the grounds of appeal and the reasons for refusal as set out within the Planning Authority decision, and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment will also be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Access and traffic.
- Services and Flood Risk.
- Appropriate Assessment

7.1. **Planning Context**

- 7.1.1. At the time the Planning Authority made its decision on the 1st day of April 2022, the appeal site was included within the settlement boundary of Gort as set out within the Gort Local Area Plan (LAP) 2013-2023. The Gort LAP expired on the 25th day of June 2023. However, no replacement LAP has been prepared and, therefore, the 2013-2023 LAP continues to be the relevant local planning policy document until superseded.

7.2. **Principle of Development**

- 7.2.1. The Planning Authority within its fifth reason for refusal set out that the proposals for a standalone trailer storage facility serving an unidentified commercial business is not considered to align with the uses set out for LU3 zoned lands within the zoning matrix and would not align or be compatible with the LU3 land use zoning objective for the appeal site, as set out within the current Gort LAP 2013-2023. This objective seeks to promote the sustainable development of industrial and industrial related uses, in....and the current development would be contrary to the LU3 objective of the LAP and with the proper planning and sustainable development of the area.
- 7.2.2. The appeal site is located within the settlement boundary of Gort as set out within the Gort Local Area Plan (LAP) 2013-2023. The policies, objectives and land use zoning objectives as set out within the 2013 LAP remain applicable for the purposes of this assessment.
- 7.2.3. The appeal site is located on lands zoned I-industrial as per the Gort LAP 2013-2023. The stated zoning objective (LU3) is: To promote the sustainable development of industrial and industrial-related uses, including manufacturing, processing of materials, warehousing and distribution, on suitable lands with adequate services and facilities and a high level of access to the major road network and public transport facilities. Adequate edge treatments and/or screening will be required to ensure high quality interfaces with public spaces and any adjoining residential areas or other sensitive land uses, as appropriate.
- 7.2.4. As per the zoning matrix within the Gort LAP, storage facilities are not specifically provided for and, therefore, the current proposals will be considered on their individual planning merits. I note that warehousing is a permissible use, as was proposed in 2019, under planning reference number 19/37. However, the open storage of goods, as is proposed in this instance, and as occurs on site at present, within the lorry trailers and within wooden crates stored openly on the hardcore fill surface, would not accord with the LU3 zoning objective that pertains to the site, nor with the proper planning and sustainable development of the area. I note that the economic development section within the Development Plan (Section 5) does not identify Gort as being within the Strategic Economic corridor as identified within Section 5.7.1 of the Plan. I consider that the proposed open storage use

development on industrial zoned lands would be contrary to the LU3 zoning objective, would not be acceptable, would establish an undesirable precedent and would be contrary to the proper planning and sustainable development of the area. Therefore, I would concur with the Planning Authority and recommend that refusal reason number five be upheld.

- 7.2.5. There are also a number of specific objectives relevant to the current proposals. Among these are EDT 2 as set out within the current Gort LAP 2013-23 which seeks to: Facilitate and encourage the establishment of business, enterprise and industrial developments that are considered compatible with surrounding uses. The applicant has failed to reference any of the economic policies or objectives as set out within the current Gort LAP or the current Galway County Development Plan 2022-28 that the current proposals would align with. In his cover letter and the appeal submission, the applicant references a floor tile business that the current storage proposal would support. However, it is unclear as to where the retail tile business is located and whether or not there are storage facilities available on that site or in closer proximity to the retail tile business than the current appeal site. In the absence of this supporting information, I consider that the applicant has failed to demonstrate that his proposals would assist in the realisation of policies or objectives as set out within local planning policy documents.
- 7.2.6. Gort is identified as a self-sustaining town where the growth strategy is: To consolidate their designation as self -sustaining towns and continue to support expansion of their employment base. Based on the limited extent of the supporting documentation and/or information submitted by the applicant, I do not consider that the storage proposals would assist in the expansion of the local employment base, given the nature of the proposal whereby the applicant states that a transit type van would collect a consignment of tiles on average once per day from the appeal site to be delivered to the applicants' retail tile business.
- 7.2.7. In Conclusion, I consider that the retention of an unauthorised storage facility on industrially zoned lands, adjacent to the town centre would represent an in-efficient and unsustainable use of zoned and serviced lands. I consider that the proposals would contravene objectives LU3 and EDT2 in terms of an inappropriate use which

is not specifically provided for within the zoning matrix of the current Gort Local Area Plan. I consider that the retention of the floor tile storage facility within the appeal site to be unacceptable in principle and would not accord with the provisions of the current Gort Local Area Plan, the current Galway County Development Plan 2022-28 nor accord with the proper planning and sustainable development of the area.

7.3. Access and Traffic

- 7.3.1. The first three reasons for refusal as set out by the Planning Authority related to the access road width and its junction with the R458 is inadequate to facilitate HGV traffic accessing and egressing the appeal site, that the proposals would increase the hazard to pedestrians who use the Station Road and that the proposals would be premature pending the preparation and submission of a Road Safety Audit and a Traffic and Transport Assessment of the proposals to the Planning Authority for consideration.
- 7.3.2. Access to the appeal site is from the Station Road which acts as the access route to the local Gort Rail Station, a local builder's providers and some farm land. The station road is located within the town centre and within the 50kph speed control zone, north-east of the junction of Bridge Street (R458) with the station Road. The road is lightly trafficked and as per the Road Safety Authority website, there is no history of traffic accidents on the road or in its vicinity. The width of the road narrows from five metres at its junction with Bridge Street to below four metres at the appeal site entrance. The current proposals relate to the retention of eleven HGV trailers on site which would have required and at least one HGV truck to bring these trailers onto the appeal site. I would concur with the Planning Authority in its first refusal reason that given the narrow road width at the appeal site entrance of less than four metres, and the absence of proposals for the widening of Station Road, that the road width is not of a standard to cater for the HGV traffic associated with the storage business on site. The applicant within his appeal submission states that Transit sized vans would call to the site on average once per day to collect tiles from the storage facility to bring to the applicants' commercial tile business, at an unspecified location. However, the applicant has failed to specify how the 11 HGV trailers are re-stocked when emptied by their Transit type vans. There is reference to one delivery to the

site per week, however it is difficult to reconcile how 11 HGV trailers could be restocked with just one delivery per week.

7.3.3. The third reason for refusal as set out by the Planning Authority related to the absence of a Traffic and Transport Assessment Report (TTA) and a Road Safety Audit (RSA). It would have been useful if these documents had been submitted as part of the planning documentation. The TTA could have included details of HGV movement(s) in and out of the site and also details of how the trailers on site are restocked once the transit type vans have emptied the HGV trailers. The TTA could also have included details of the applicants' retail commercial business and its location in relation to the appeal site. The RSA could have identified short comings within the local roads infrastructure and offered potential solutions which the applicant could have incorporated as part of his proposals. Therefore, I would concur with the Planning Authority that the absence of these critical supporting traffic and transport related documents, the applicant has failed to demonstrate that the development would not endanger public safety by reason of a traffic hazard.

7.3.4. The second reason for refusal relates to the absence of pedestrian infrastructure in the vicinity of the appeal site and that the proposals would result in a significant safety hazard to pedestrians. I note that there are proposals to extend the public footpaths and streetlighting along Station Road under Bord reference 303259-22. However, those proposals would stop short of the appeal site entrance by approximately 40 metres. The applicant states that a traffic barrier has been erected just after the rear access to the builder's providers premises and, therefore, this part of the Station/Pound Road is not accessible to pedestrians. This barrier was erected following consultation with local land owners and after anti-social behaviour and dumping had been identified as issues in the area. Pedestrians can use the existing Gort riverside walkway, which is a gravelled pathway and located parallel and west of Station/Pound Road. Therefore, I would agree with the applicants, that this section of the Station/Pound Road is often inaccessible (when the traffic barrier is closed) and that an alternative pedestrian walkway is available immediately parallel to Station Road along the Gort riverside channel walkway. On the day of my site inspection, I observed a number of pedestrians using the dedicated riverside walkway for amenity purposes.

- 7.3.5. Having regard to the restricted width of the Station Road carriageway, particularly its width at the appeal site entrance, and the absence of detailed traffic and transport assessments, including a Road Safety Audit, that the development which relates to the movement of HGV trailers and trucks and Transit sized vans to and from the appeal site, that the applicant has failed to demonstrate that the development would not endanger traffic safety by reason of a traffic hazard. The proposals would be contrary to the provisions of DMURS, in terms of road width and the manoeuvring of HGV's and trailers onto the adjoining narrow carriageway width and, would therefore, adversely impact the safety and free flow of traffic on the adjoining road network. I consider that the development endangers public safety by reason of a traffic hazard or obstruction of road users and therefore, would be contrary to the proper planning and sustainable development of the area.
- 7.3.6. The applicants have submitted no specific details of current weekday AM and PM peak hours, two way traffic flows to and from the site nor precise details of the types of vehicles that enter/egress the site on a daily or weekly basis.
- 7.3.7. In Conclusion, based on the absence of specific details in relation to traffic movements to and from the site on a daily/weekly basis, the narrow width of the local road carriageway at the entrance point to the appeal site and the and the nature of the HGV traffic that has/would enter/egress the site to serve the storage business, I consider that the development would interfere with the safety and free flow of traffic, would endanger public safety by reason of a traffic hazard obstruction of road users and would be contrary to the proper planning and sustainable development of the area..

7.4. Services and Flood Risk

- 7.4.1. The applicants are proposing to retain a welfare building on site. However, from the plans submitted, it is not clear the intended use(s) within the building and whether or not the welfare building would contain WC facilities. It would be common for a welfare facilities building to contain WC facilities, and in such an instance, a letter of feasibility from Irish Water would be required as the applicant would require a connection to the Irish Water foul sewer network.

- 7.4.2. The application form states that the issue of water supply is not applicable to the proposals. However, from the plans submitted of the welfare building, it is not clear whether or not the welfare building would contain wash or sink facilities. It would be common for a welfare facilities building to contain wash/sink facilities and in such an instance a letter of feasibility from Irish Water would be required as the applicant would require a connection to the Irish Water, water supply network.
- 7.4.3. In terms of surface water management, the applicant has submitted little or no documentation. It is unclear from the planning documentation submitted if any on site attenuation measures have been incorporated within the site boundaries or if a hydrocarbon interceptor has been installed within the appeal site or if there are proposals to manage surface water run-off from the site during a storm event. The Environment Section of Galway County Council noted the absence of storm water proposals and details in relation to a hydrocarbon interceptor on site. Given the absence of site-specific surface water management proposals, including Sustainable Urban Drainage Systems (SuDs) proposals, it is unclear if the appeal site has the capacity to manage surface water run-off nor to manage hydrocarbons which may arise from HGV trucks which would be required to transport the eleven HGV trailers onto the appeal site. The submission of surface/storm water proposals is a requirement for development proposals as per specific objectives WW7 and WW8 of the current Galway County Development Plan.
- 7.4.4. The applicants have also failed to submit a site specific Flood Risk Assessment (SSFRA) as part of their proposals. As per the Gort Local Area Plan 2013-23, the appeal site is located within Flood Zone C, where a low probability of flooding exists, as is the entrance to the appeal site. Table 3.2 of the Planning System and Flood Risk Management Guidelines, 2009 (FRMG;s) set out that highly vulnerable development are appropriate on Flood Zone C lands and that a justification test is not required in such instances.
- 7.4.5. The initial section of Station Road at its junction with the R458 at Bridge Street, is located in Flood Zone B. However, this junction would constitute local transport infrastructure and, therefore, would not require the submission of a justification test. However, I would not consider that the development is obstructing natural flow paths

and floods are not displaced by the said development. Therefore, I consider that the development is not causing flood risk on the subject site or elsewhere. The development proposals are, therefore, considered suitable having regard to the provisions of the Planning System and Flood Risk Management Guidelines (2009).

7.4.6. I refer to the Office of Public Works (OPW) website floodinfo.ie, where the appeal site is not identified as being within an area of flood risk and neither is there a history of flood events on site nor within the vicinity of the appeal site.

7.4.7. Notwithstanding the flood information available within the Development Plan, on the data available on the OPW website, the applicant has failed to demonstrate that the appeal site has the ability to manage surface water within a flood event situation, nor that the laying of the hardcore and storage of HGV trailers and crates of tiles will not increase the risk of flooding on site, nor within the vicinity of the appeal site.

7.5. Appropriate Assessment

Background to Application

7.5.1. An Appropriate Assessment Screening Report was not submitted as part of the planning documentation. I have, therefore, conducted my own Appropriate Assessment screening exercise and completed an examination and identification of any potential significant effects of the development, alone, or in combination with other plans or projects on European sites. The screening is supported by a review of National Parks and Wildlife Service (NPWS) datasets, Ordnance survey mapping and aerial photography.

7.5.2. I have considered the retention of the storage facility development in light of the requirements of Section 177U of the Planning and Development Act 2000, (as amended).

7.5.3. From my site inspection and from an examination of Ordnance survey and GIS mapping, I am satisfied that there is no direct hydrological surface pathway connecting the appeal site to the Gort River which is hydrologically linked to a number of European sites, including to the Coole Garryland Special Protected Area (SPA) and Special Area of Conservation (SAC). Given the development relates to

the retention of the laying of hardcore fill and parking of HGV trailers for storage purposes, it is unclear what precautions the applicant put in place in advance of, or during the laying out of the hardcore fill on the site. Neither is it clear if a geo-textile or other similar type membrane or hydrocarbon interceptors were installed beneath the hardcore in order to filter any sediment and or hydrocarbon run-off from the development. In the absence of this information, it is unclear if potential existed for construction/development and operational pollutants to enter the surface water and/or groundwater systems which could result in adverse effects to water quality and impacts to the habitats and species within the Coole/Garryland SAC and SPA sites. Significant effects to the SPA/SAC, s cannot, therefore, be ruled out.

- 7.5.4. As a result, at a minimum, a screening for Appropriate Assessment would be required, and thereafter, a Natura Impact Statement may be required to be submitted to the Board. In the event that the development is not screened out, given the development relates to retention of development, the applicant would be required to submit a substitute consent application to the Board in that instance, including a Remedial Natura Impact Statement (RNIS).

Appropriate Assessment Screening

- 7.5.5. The project is not directly connected to or necessary to the management of a European site. The development is examined in relation to any 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

- 7.5.6. The development is described in Section 2 of my report. The storage yard facility is located on a hardcore filled site to the east of Gort town centre, on industrial zoned lands, and accessed off the Station/Pound Road, within the town settlement boundary. The site is in close proximity to the Gort River (66 metres from the nearest part of the appeal site to the river channel) which in turn flows into the Coole Garryland SPA and SAC approximately 1.7 kilometres north-west of the appeal site. These European sites are protected by a number of nature conservation designations. It is unclear from the proposals submitted whether or not the

development would require to be connected to the public foul, watermains and surface water sewer networks. There are no surface water channels within the appeal site.

Submissions/Observations

- 7.5.7. I have reviewed the appeal submission received from the applicant and I note that he has not specifically responded to the fourth refusal reason as set out by the Planning Authority in relation to the deficiency of information submitted and the potential to adversely impact upon European site(s).

Characteristics of Project:

- 7.5.8. The relevant characteristics of the project that might have given/give rise to potential impact on European sites, both during the construction and operational phases are as follows:

Construction/Development impacts:

- Surface water drainage runoff, sediment and hydrocarbon run-off which could result in deterioration of surface and ground water quality and resultant degradation and loss water based habitats and bird and aquatic species.
- Disturbance and/or displacement of foraging/feeding habitat which could potentially adversely impact upon the Qi's of European sites.

Operational Impacts:

- Pollution of surface and groundwaters from hydrocarbons from vehicles parking on, entering or egressing the appeal site.
- Disturbance of feeding/foraging grounds of the winter bird population within the adjoining European site(s).

Designated Sites and Zone of Influence

- 7.5.9. I have established a potential zone of influence 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.

7.5.10. A number of European sites in the wider area were examined and found not to be within a likely zone of influence due to the distances from the appeal site, the absence of ecological and/or hydrological pathways between them and the appeal site or due to the significant separation distances between them and the appeal site, and/or the European sites locations upstream of/or at a more elevated level from the development proposals. I consider that only sites within the immediate area of the proposed development require consideration as part of the screening process.

7.5.11. The following Natura 2000 sites are considered to be located within a zone of influence of the proposed development site:

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
Coole Garryland SPA (Site Code 004107)	Whooper Swan	Approximately 1.7 kilometres to the north-west of the appeal site.	Yes. Requires further assessment due to there being potential to cause disturbance to the Whooper Swan who is known to roost and feed at Lough Colle/Garryland Marsh SPA during the winter months. Potential for construction related sediment and hydrocarbons to outfall from the appeal site and to potentially adversely impact upon habitats/species	Yes.

			within Coole Garryland SPA.	
Coole Garryland SAC 000252	<p>Natural eutrophic lakes</p> <p>Turloughs.</p> <p>Rivers with muddy banks,</p> <p>Juniperus communis formations on heaths or calcareous grasslands</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates</p> <p>Limestone pavements.</p> <p>Taxus baccata woods</p> <p>Lesser Horseshoe Bat.</p>	Approximately 1.7 kilometres to the north-west of the appeal site.	Yes. Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of hydrocarbons from the proposed development and to potentially adversely impact upon habitats/species within Coole Garryland SAC.	Yes.

Identification of Likely Significant Effects

7.5.12. The Coole Garryland SAC and SPA are the two European sites being considered as part of this assessment due to the possibility of habitat degradation arising from

potential construction/development impacts in the form of release of hydrocarbons and/or sediment arising from groundwork excavations and importation of hardcore fill onto the site, the potential for adverse impacts to arise within the groundwater system arising from surface water permeating down through the hardcore fill resulting in potential adverse impacts upon water quality, alone or in combination, with other pressures on water quality. There is also the potential to cause disturbance and displacement of bird species within the adjacent SPA site.

7.5.13. In terms of noise, the importation of the hardcore fill to the appeal site would have required a number of rigid body trucks to deliver the fill. It is unclear from the information submitted as part of the planning documentation, if best practice construction methods were implemented, and environmental considerations such as noise, dust and vibration were addressed as part of the development.

7.5.14. Given the likelihood that the appeal site would have previously been a greenfield site (as set out within the planning enforcement notice, reference number 21/008) , the likelihood that it was in pasture, similar to the adjoining lands to the north, west and east of the rail line. However, given the absence of information submitted, it is not clear what species of grass, tree or hedgerow habitat existed on site. Therefore, it is unclear if the appeal site would have provided for suitable foraging/feeding grounds for the winter birds associated with the SPA site. Therefore, it is not possible to determine if the Whooper Swan, the particular Qualifying Interest (QI) associated with the Coole/Garryland SPA was/is adversely impacted by disturbance from the development within the appeal site.

7.5.15. No water quality objectives have been set out for the Coole Garryland SAC nor SPA. Catchments.ie have classified the water quality in the Gort River as being poor. Due to the lack of information submitted with the planning documentation, it is unclear if the development on site has resulted in habitat loss or disturbance of habitat or species listed as Qualifying interests within the Coole/Garryland SAC and SPA sites. The applicant has failed to demonstrate that likely direct significant effects upon the integrity of these specific European sites, namely the Coole Garryland SPA and the Coole Garryland SAC, can be ruled out.

- 7.5.16. I consider that there was/is potential for indirect impacts in the form of outfall of sediment and/or hydrocarbons to the surface water network during the importation of hardcore fill onto the site which could have adversely impacted upon water quality within the Coole Garryland SAC and SPA. In line with the precautionary principle, the threshold for AA screening is low and, therefore, further consideration of these matters should be undertaken.
- 7.5.17. No evidence of the Lesser Horseshoe Bat for which the Coole/Garryland SAC European site has been designated was recorded within or in the vicinity of the appeal site, and I note that the appeal site nor the surrounding lands do not provide suitable habitat for this particular protected Bat species.
- 7.5.18. The applicant within his appeal submission states that: The development does not give rise to surface water run-off....and continues on later to state: The volume of run-off from the trailer roofs and utility building are easily accommodated by the existing natural infiltration of the site. These statements are contradictory. There would be surface water run-off from the site, as the applicant states from the trailer roofs that are stored on site and from the wooden crates that are stored on site. I am of the opinion that the surface water run-off would drain down through the hardcore fill on site. However, given the absence of detail in relation to whether or not a geotextile or similar type membrane was laid beneath the hardcore fill, whether or not gullies or hydrocarbon interceptors were installed on site, the applicant has failed to demonstrate that the surface water run-off is either managed on site in accordance with best practice construction techniques or whether any surface water management measures have been implemented within the development on site. Therefore, I am satisfied that these particular potential impacts would require further assessment in the context of Appropriate Assessment.
- 7.5.19. In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the settlement boundary of Gort. However, given the fact that all of these sites 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, the cumulative environmental impact of all of the zoned lands being developed was considered and deemed acceptable.

7.5.20. Therefore, taking the precautionary approach, I consider that there is potentially 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 a number of the nearest European sites, namely, the Coole/Garryland SAC and the Coole Garryland SPA.

Screening Determination

7.5.21. 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 due to the uncertainty as to the significance of effects, which, therefore, would require further detailed assessment, the project individually or in combination with other plans or projects could have a significant adverse effect on the Coole/Garryland SAC and/or the Coole Garryland SPA. and Appropriate Assessment may, therefore, may be required.

7.5.22. The potential for significant effects on other European sites cannot be excluded.

8.0 Recommendation

I recommend that planning permission be refused for the following reasons:

9.0 Reasons

- 1 The site is accessed from a minor road which is substandard in terms of width and alignment. The traffic, especially the HGV traffic generated by the development would, if permitted, interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard and obstruction of road users.
- 2 The development generates an unknown volume of traffic, including a number of movements by heavy goods vehicles, which the road network in the vicinity

of the site is not capable of accommodating safely due to the restricted width and capacity of the Pound and Station Roads in the vicinity of the site and the restricted capacity of its junction with the R458, Regional Road at Bridge Street. The development would, therefore, result in obstruction of road users give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

- 3 Having regard to the location of the site, together with adjoining land, within the zone of influence of the Coole/Garryland Special Area of Conservation and the Coole/Garryland Special Protection Area, it is considered that:
 - (a) the retention of the trailer storage facility could result in the continued significant loss of Natural eutrophic lakes, Turloughs, rivers with muddy banks and semi dry calcareous grassland habitat, which are included on Annex I of the European Union Habitats Directive of 1992; and
 - (b) the retention of the trailer storage facility could give rise to continued increased disturbance to wildlife, including the Whooper Swan (which is a protected species included on Annex II of the European Union Habitats Directive), from human activity in what was formerly a relatively undisturbed area.

Notwithstanding (a) and (b) above the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that adequate information has been provided on the impact of the development on hydrological and ecological conditions within the Annexed habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the development does not adversely affect the integrity of a European Site and it is considered that the development would be contrary to the proper planning and sustainable development of the area.

- 4 Having regard to the LU3 land use zoning objective pertaining to the site, the objective of which is to promote the sustainable development of industrial and

industrial-related uses, it is considered that the development, which relate to the retention of a standalone trailer storage facility serving an unidentified business, would contravene the LU3 zoning objective and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate

14th day of August 2023