



An
Bord
Pleanála

Inspector's Report

ABP-315451-23

Development	Construction of a Warehouse for the maturation of Whiskey. A Natura Impact Statement (NIS) will be submitted to the planning authority with the application.
Location	Perssepark , Ballinasloe , Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2261004
Applicant	Easyfix Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant	Easyfix Limited
Observer(s)	None
Date of Site Inspection	22 nd September 2023
Inspector	Ronan O'Connor

1.0 Site Location and Description

- 1.1.1. The site is located approximately 5km west of Ballinasloe. There is an existing manufacturing plant for agricultural sector products adjoining the subject site (Easyfix). The site has an existing access off the R348. To the north of the site is the Dublin to Galway Railway Line. The site was historically used as a gravel pit/sand and gravel quarry. The site is generally flat.

2.0 Proposed Development

- 2.1.1. The proposed development is for the construction of a single storey warehouse building (c. 2,082 sq. m.) for the maturation and bottling of whiskey, an access road to connect to the existing internal access road, installation of a new proprietary treatment system as well as parking, landscaping and associated site works and services. The proposed development will store and mature whiskey that is distilled at the Ahascragh Distillery, which is located approximately 11.2km to the north of this site.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. The planning authority decided to Refuse permission for the following 2 no. reasons:
 1. The warehouse development as proposed is in a rural, unserved location, within 3 km of Ballinasloe Town for which a Local Area Plan is prepared and provides sufficient zoned lands for industrial uses as per Table 1.6.2 of the Ballinasloe Local Area Plan 2022 - 2028. Having regard to the nature of the proposed development, the urban location of the primary business (Whiskey Production) in excess of 10 km away from the subject site and the absence of a robust justification for a warehouse development in an un-served, rural location, it is considered that the proposed development would, if permitted, be incompatible with the ethos of Rural Enterprise as set out in the Galway County Development Plan 2022-2028, would be contrary to Policy Objective CD 1 thereof and would

accordingly be contrary to the proper planning and sustainable development of the area.

2. Having regard to the potential for the subject site to be occupied by mammals protected under European & Irish legislation and the lacunae in respect to same by virtue of the EclA report and Section 3.4 thereof not being accompanied by the requisite mammal survey in this regard, the Planning Authority has concerns with regard to the potential impact of the proposed development on the ecological and environmental sensitivities of the area. Therefore, based on the details submitted with this application, adverse impacts arising from the proposed development cannot be ruled out and as such the proposed development is contrary to DM 50(b) and, if permitted, would militate against Policy Objective NHB4 (Ecological Appraisal & Biodiversity) of the Galway County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

Planning Reports

3.3.1. The following comments in the planner's report [dated 28/11/2022] are relevant to this appeal:

- Significant impacts on Natura 2000 sites can be ruled out
- EclA records evidence of pine martin or stoat/Pine Martin protected under Annex V of the Habitat Directive and the Wildlife Act 2000 (as amended)
- Pine Martin Survey of the site required
- PA not in a position to undertake a full evaluation of the proposal
- Site is within a rural area not zoned for development
- Reference is made to Table 1.6.2 of the Ballinasloe Local Area Plan/sets out that there is 30.63 Ha of zoned lands for industrial purposes
- Reference is made to two previous ABP permissions (301078 & 300429)
- Not considered that these cases are comparable
- Absence of any analysis of alternative options in the Ballinasloe Area

- Policy Objective CD1 of the Galway County Plan 2022-2028 has a different emphasis and difference criteria for qualifying uses, compared to the reference cases
- PA is of the opinion that the proposed development does not comply with the criteria as set out under Policy Objective CD 1 of the County Plan with respect to the proposed development being an incompatible use owing to the environmental sensitivities associated with this unserved area, not being proposed within existing farm buildings and the raw materials not being sourced in this immediate area
- Building is not considered to be prominent from the public domain of the R348 owing to the set back of circa 200m/unit being clustered alongside an existing industrial entity

3.3.2. Recommendation was to Refuse permission, as per the reasons for refusal above.

Other Technical Reports

3.3.3. None

3.4. **Prescribed Bodies**

3.4.1. Irish Rail – recommend conditions.

3.5. **Third Party Observations**

3.5.1. None

4.0 **Planning History**

Subject Site

4.1.1. There is no planning history for the subject site.

Wider Site

4.1.2. 20/1652 [Applicant – McAllister Distillers Ltd] -In the townland of Perssepark–
Refuse Permission [Decision Date 6th January 2021] - to construct a Warehouse (1041 sq. m) for the Maturation of whisky associated with the distillery which is to be

constructed in Ahascragh. This application is also for an access road with a new entrance onto the R349, to install a new proprietary effluent treatment system and all associated site works. – 3 no. reasons for refusal as follows:

1. The industrial warehouse development as proposed is in a rural, unserved location, within 3 km of Ballinasloe Town for which a Local Area Plan is prepared and provides zoned lands for industrial and commercial related uses. Having regard to the industrial warehouse nature of the proposed development, the location of the applicant's primary business (Whiskey Production) in excess of 10 km away from the subject site and the absence of a robust justification for a industrial warehouse development in an un-served, rural location, it is considered that the proposed development would, if permitted, be at odds with Policy EDT 1 in respect of sustainable economic development within the County and would contravene materially Objective EDT4 and Objective EDT7 of the Galway County Development Plan 2015-2021 and be contrary to the proper planning and sustainable development of the area.
2. The subject site is adjacent to a watercourse which is an ecological conduit directly linking the subject site to the River Suck Callows SPA (site code 004097) c. 4.5 km east of the site which is a designated European sites of ecological importance that forms part of the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the European Union. These designated European sites are protected under the EU Habitats Directive (92/43/EEC) & EU Birds Directive (79/409/EEC, as amended by Directive 2009/147/EC) and the European Communities (Natural Habitats) Regulations 1997, as amended by the European Communities (Birds and Natural Habitats) Regulations 2011. This site is also further protected under Policy NHB 1. Objective NHB 1, Objective NHB 2 and DM Standard 40 of the Galway County Development Plan, 2015-2021. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive, which sets out the decision making tests for plans and policies likely to affect European sites (Annex 1 Habitats) and Annex 11 (Species)) and establishes the requirement for an Appropriate Assessment and the obligation of the Planning Authority, as the competent authority, to

carry out screening for appropriate assessment (Stage 1) or a full appropriate assessment (Stage 2) of development proposals, if required, under Part XAB of the Planning and Development 2000 (as amended), the Planning Authority is not satisfied that significant negative effect on the integrity and conservation objectives of the European sites can be ruled out based on the information available, the information included with the planning application and the application of the precautionary principle and as such is contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed Natural Heritage Area (pNHA) - Ballinasloe Esker (Site Code 001779) which forms part of the subject site and the absence of any environmental/ecological assessment, the Planning Authority has concerns with regard to the potential impact of the proposed development on the proposed Natural Heritage Area and environmental sensitivities of the area. Therefore, based on the details submitted with this application, adverse impacts arising from the proposed development cannot be ruled out and as such the proposed development is contrary to DMS 40(b) and, if permitted, would militate against Objective NHB2 (Biodiversity and Ecological Networks) and Objective NHB7 (Eskers) of the Galway County Development Plan 2015-2021 and be contrary to the proper planning and sustainable development of the area.

- 4.1.3. 19/1953 Grant permission for an extension to Agri-based business [Decision date: 25/06/2020]

5.0 Policy Context

Galway County Development Plan, 2022-2028

- 5.1.1. Objectives relevant to this appeal include:

Policy Objective RD 1 'Rural Enterprise Potential' *'To facilitate the development of the rural economy through supporting a sustainable and economically efficient agriculture and food industry, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural*

tourism. Development of Cafes, Art Galleries, Hot Desk Facilities etc. which are important to the rural economy.'

Policy Objective CD 1 'Rural Enterprises' '*Consider and support the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria:*

(a) Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);

(b) Scale of development (assimilate appropriately into a rural setting);

(c) Nature of development (raw materials sourced locally);

(d) Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity);

(e) The enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;

(f) Residential amenity (enterprise must not have a significant adverse impact on residential amenity)

Policy Objective SCO 3 Agri-food Industry and Rural Diversification 'Support the development of the agri-food industry and rural diversification in a sustainable manner across County Galway facilitating research and development where appropriate'

DM Standard 50 Environmental Assessments

5.2. Natural Heritage Designations

- 5.2.1. The Ballinasloe Esker pNHA is located approximately 27m north of the site. The site is located c4km to the west of the River Suck Callows SPA (004097) and is located c4.8km to the north-west of the Glenloughaun Esker SAC (002213).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal is a **1st Party Appeal Refusal** of Planning Permission Reg. Ref. 22/61004 [decision date 29th November 2022]. The main points of the grounds of appeal are as follows:

- Construction of the distillery is almost complete/due to commence production in March 2023
- Provision of a Maturation Warehouse Facility at a local, expansive, secure and accessible location is urgently required
- Proposal represents a suitable agri-food related development at this established Rural Enterprise location without adversely affecting the amenities of environmental sensitivities in the area.
- Site is approximately 11km by road to Ahascragh
- Subject site is a 'brownfield site' – it was used historically as a gravel pit/sand and gravel quarry
- More recently the subject site formed part of a storage area/depot used by Bord Gais, during the laying of the gas network in this part of the county.
- Applicant owns the landholding/proposed development is located directly adjacent (to the east) of the main Easyfix Rural Enterprise Facility at this location
- A new manufacturing unit was recently permitted as an extension to the existing Easyfix facility under PI Reg Ref 19/1953
- Refer to withdrawn application 21/1751 – note the PA had concerns in relation to an absence of a Flood Risk Assessment and for potential impacts on the pNHA
- Application was made and sought to address concerns of the PA/Permission was refused/applicant was given no opportunity to address the concerns of the Planning Authority

- The distillery site is located on a confined site (0.17 HA) within the village centre of Ahascragh/would not have access to the expansive space required to accommodate an associated Maturation and ancillary bottling facility
- Letter of support submitted from the Ahascragh Distillery/explains the need for the Whiskey Maturation Warehouse facility at this location
- Produce from distilleries cannot be branded as Irish Whiskey unless it has been matured for at least three years within the island of Ireland
- Whisky production is formally categorised as food production
- Planning policies relating to food production and agri-food are relevant to the assessment of this case
- After distillation, whiskey is filled in wooden casks and requires warehouse storage for a minimum of 3 years, with 5 years more likely
- Proposed development represents a very low intensive use at operational stage
- Locational advantages including well developed access road/safe junction onto the R348 Regional Road to cater for HGV movements
- Proposed site size will cater for the extensive warehousing/bottling requirements
- Has the potential to provide for future warehouses/in line with future whiskey production (subject to any future planning consent)
- Located away from any residential units
- Benefit of secure barriers and on site security cameras to accommodate this high value produce
- Complies with NPF including National Policy Objective 23 and National Strategic Outcome 3 of the NPF
- Also with 'Foodwise 2025'
- Complies with the RSES for the Northern & Western Regional Assembly 0 including Section 4
- With respect it is considered that the PA's assessment has little or no regard to the content of the application

Response to Reason No. 1

- It would appear that the PA are of the opinion that the nature of the proposed development is 'industrial'
- The proposal can be categorised as an 'agri-food/rural enterprise'
- Whiskey production is formally categorised by the Government as food production.
- Principle of proposed 'off-site' Whiskey Maturation is accepted by Government (reference to 'Geographical Indication for Irish Whiskey and Irish Poteen'.
- Owing to the agri-food nature of the development, the provision of such a facility in a rural location can be considered.
- Subject site consists of a brownfield site adjacent to a Rural Enterprise location where the making of agri-products has been established
- In relation to zoned industrial land in Ballinasloe, the low density, low intensity/primarily storage use would be an inefficient use of zoned lands and would be incompatible with the compact and sustainable growth of Ballinasloe Town
- Proposed warehousing will result in a very low level of employment at operational stage/would contribute very little towards the achievement of a sustainable jobs ratio within the town of Ballinaloe.
- The industrial zoned lands in Ballinasloe are located approximately c13.4 km from the Ahascragh Distillery. This is further away compared to the subject site (which is 11 km from the Distillery)
- The distillers would be forced to use warehousing in Co. Wexford in the event the permission is refused.
- Planning Statement submitted with the application cited precedents for the development of Whiskey Maturation warehouses at rural locations at Moyvore, Co. Westmeath (ABP 301078) and Cloncowan, Longwood, Co. Meath (ABP 300429).
- Proposed development will constitute the first phase of a whiskey maturation warehousing at this location.

- Proposed policy provisions considered in the above applications are similar to those under consideration here
- Inspector in the Westmeath Case noted it was not appropriate for this type of facility to be directed into zoned and serviced lands
- Will cater for less than 5,000 tonnes of flammable liquid, not subject to the provisions of European Communities (Control Major Hazards involving Dangerous Substances) Regulations 2015/however location of the site which is set away from existing residences, would be more appropriate compared to an urban setting/existing settlement.
- Planning Statement also referred to a permission granted in Cork (Cork County Council, Ref 21/793) for 2 no. whiskey maturation warehouse buildings, located approximately 10km from the associated distillery.
- Proposal is entirely consistent with the Rural Enterprise provisions/Policy Objectives of the CDP

Response to Reason No. 2

- Ecological concerns are inconsistent with the assessment of the adjacent site (19/1953) which was assessed without a mammal survey being carried out
- Submitted EclA included a desktop study as well as a site/field survey carried out on 16th May 2022/included a mammal survey
- Mitigation measures for the possibility of mammals were included in the application/including boundary fencing within habitat link every 80m which provided for the movement of small mammals
- The site is unsuitable for mammals which would have been apparent from a site inspection/appears there was a distant review of the site taken from the road edge
- Applicant has commissioned a supplementary 'Pine Martin Survey Report' – rules out any significant impact on the local Pine Martin Population.

Encl: Appendix 1 – Decision Notice; Appendix 2 – Planner's Report; Appendix 3 – Letter from Ahascragh Distillery; Appendix 4 – Pine Martin Survey Report

6.2. **Planning Authority Response**

6.2.1. No response received.

6.3. **Observations**

6.3.1. None received.

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, including the grounds of appeal, responses to same from the Planning Authority and observations on the appeal, having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Ecology
- Other Issues

7.2. **Principle of Development**

7.2.1. The application is for a single storey warehouse to facilitate whisky maturation and bottling of whiskey that is produced in the distillery at Ahascragh, approximately 11km from this subject site.

7.2.2. The Planning Authority's first reason for refusal refers to the rural, un-serviced location of the proposed development site, and cites its location within 3km of Ballinalsoe with zoned industrial lands therein. The 'urban nature of the primary business (whisky production), which is located over 10km from the site' is also referred to. It is concluded that the proposed development would be incompatible with the ethos of Rural Enterprise as set out in the Development Plan, and would be contrary to Policy Objective CD 1 'Rural Enterprises' of same.

7.2.3. The applicant has stated that the distillery site at Ahascragh is confined and does not have access to the space required to accommodate the associated maturation and bottling facility. The applicant further contends that the nature of the application is

'food production' rather than industrial in nature, and therefore policies relating to same, at a national, regional and local level are relevant, and that owing to the agri-food nature of the development, a rural site can be considered. It is further stated that the use of zoned industrial lands would represent an inefficient use of such lands, and it would achieve a very low level of employment, contrary to the achievement of a sustainable jobs ratio within the town of Ballinasloe. Planning precedents for whiskey maturation at rural locations proposals are cited and include Moyvore, Co. Westmeath (ABP 301078), Cloncowan, Longwood, Co. Meath (ABP 300429) and in Cork (Cork County Council, Ref 21/793).

7.2.4. The application is related to the agri-food sector and whiskey is considered to be food production, as per 'Food Wise 2025: A 10 year vision for the Irish Agri-Food Industry 2015', which sets out the Government's ten year plan for the agri-food sector. Within this document, reference is made to the Whiskey and Craft Beer Sector, including a reference to the whiskey maturation process. I refer also to Chapter 5 'Economic Development, Enterprise and Retail Development' of the Galway County Development Plan 2022-2028, which in turn refers to various national, regional plans, policies and guidelines, noting that chapter was prepared in the context of same, including 'Food Wise 2025.' As such, I am satisfied that objectives relating to the agri-food sector, as set out in national, regional and local policy documents, including those set out in the Development Plan, are relevant in the assessment of this application, as well as other more general objectives as discussed below.

7.2.5. I am conscious of the particular nature of this application, and in this instance the precedent applications for whiskey maturation facilities decided by the Board, and principles established therein, as cited by the applicant are relevant, in this instance, notwithstanding these applications relate to a different area of the country (namely Co. Meath). In this regard, I refer to application APB Ref 301078, and which was granted by the Board following a refusal by the Planning Authority [Decision Date 17/12/2018]. This was an application for the construction of a maturation warehouse facility consisting of 12 no. maturation warehouses located in Moyvore, Co. Westmeath. In the Board Order relating to same, reference is made to the appropriate location of the site within a rural location rather than an urban setting, and it was considered that locating same within zoned lands would represent an

inefficient use of same. I refer also to ABP Ref 300429, which was granted by the Board, on the foot of a third party appeal against the Planning Authority's decision to grant permission for same [ABP Decision date: 13/06/2018]. This was an application for 5 no. bonded warehouses and related site development. The rural location of same was also accepted by the Board in this instance. I note that the scale of the above developments are larger than that being considered here, but notwithstanding, I am satisfied that the similar principles apply to this subject appeal.

7.2.6. In relation to this particular application, the Planning Authority is of the opinion that the proposed development would be better directed to the industrially zoned lands within Ballinasloe, noting that there is a sufficient area of such lands to accommodate the above development. With reference to the Ballinasloe Local Area Plan 2022-2028, I note that the majority of industrial zoned lands are located to the south-east of the town centre, in and around the Poolboy Industrial Estate. These are located approximately 13km from the Ahascragh Distillery. As such in terms of transport (and any associated carbon emissions), there is no gain in locating the warehousing within these industrial lands, noting that these lands are some 2km further from the distillery than the subject site. In terms of the efficient use of industrial lands, I concur with the applicants in this regard, and would be of the view that the use of industrial zoned lands for the use proposed here, would not represent an efficient use of same, noting the very limited employment that would be generated at operational stage, with the use being akin to a storage use (in terms of employment generation in any case). This position is supported by previous Board decisions on previous applications for whiskey maturation facilities (as cited above).

7.2.7. As noted above, the application is related to the agri-food industry. At a National Level, the National Planning Framework Supports same, noting that *'much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. Continued development of the agri-food sector will be supported through the implementation of Food Wise 2025'*. Policy Objectives relating to same include National Policy Objective (NPO) 23 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. At a Regional Level, the Regional Spatial & Economic Strategy – North and Western Regional Assembly 2020-2032 notes that the agri-

food sector is a sector of important to the region and relevant policy objectives include RPO 24 (to support the region's agri-food industry). At a local level, the Galway County Development Plan 2022-2028 seeks to support the agri-food industry's continued development in Galway (Section 5.8.3 refers) and Policy Objective SCO 3 'Agri-Food Industry and Rural Diversification' seeks to support the development of the agri-food industry in a sustainable manner.

7.2.8. Having regard to the discussion above, I am satisfied that the principle of a rural location for this particular use is appropriate. However, it must be ensured that this particular location is suitable for the nature of the development proposed, and in this regard, Policy Objective CD 1 'Rural Enterprises' of the Development Plan outlines relevant criteria when considering small-scale rural enterprises. I have considered compliance with same below:

(a) Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services);

7.2.9. The proposed development is related to the food production industry, as discussed above, and as such, in principle the rural location of same is acceptable.

(b) Scale of development (assimilate appropriately into a rural setting);

7.2.10. The scale of development, a single storey warehouse (c. 2,082 sq. m.) is appropriate and is akin to the existing built form on site. I note also that there is an extant permission on the site immediately to the west of this site for an 3380 sq. m single storey warehouse, an extension to the existing agri-business on the wider site (Planning Reg Ref 19/1953). I am satisfied, therefore, that the proposed development would read as a part of a cluster of buildings within this rural location and would not appear as an incongruous addition within the landscape. I note also the Landscape Classification which is Landscape Sensitivity Class 1 (where Class 1 is the least sensitive and Class 5 is the most sensitive) [Map 06 of Appendix 4 of the Galway County Development Plan 2022-2028 refers].

(c) Nature of development (raw materials sourced locally);

7.2.11. The materials (distilled whiskey) for the maturation and bottling process are sourced from Ahascragh, some 11km from the site. While the term 'locally' is not defined

within the Development Plan, I am satisfied that, given the particular nature of the whiskey distillation industry, with a limited number of distilleries within the county, this distance is not excessive and could be defined as local, in the context of the county as a whole.

(d) Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity); (f) Residential amenity (enterprise must not have a significant adverse impact on residential amenity)

7.2.12. While the proposed facility will support the operation of the Ahascragh distillery, and the related employment and social benefits therein, I am of the view that there will be little to no direct social impacts of this proposed development. I have considered the environmental impacts in Section 7.3 of this report (in relation to general ecology) and in Section 8 of this report (in the context of Appropriate Assessment), and I have concluded therein that no significant adverse impacts on the environment will result from the proposed development. In relation to rural and residential amenity, there are residential properties some 200m south of the site, adjoining the R348 but I am satisfied that there will be no significant impacts on the amenity of same, or on the amenity of the area in general.

(e) enterprise must not constitute a road safety hazard or have a major adverse impact on the road network, road capacity and traffic levels;

7.2.13. The proposed site layout plan illustrates that there are sufficient sightlines at the entrance (as granted under Planning Reg Ref 06/240). I note that the access is existing and the Planning Authority have not raised any safety concerns in relation to same. The appeal submission notes that the proposed development would have limited logistical movements associated with the proposed development, with the whiskey being matured for 3 years within the warehouse. While there is no detail within the application documents in relation to the number of actual movements associated with the maturation process, the scale and nature of the proposed development would mean that it would be very unlikely, in my view, to generate transport movements which would have a material impact on the capacity of the surrounding road network.

7.2.14. In conclusion, therefore, the whiskey production sector, and the agri-food sector generally, is generally seen as important to the rural economy, and to the economy as a whole, and policy at national, regional and local level, supports the sustainable development of same. Given the nature of the use proposed, I am satisfied that this rural unzoned location is suitable for same, in principle, and I am of the view that directing the use to an area of industrial zoned land would not represent an efficient use of same, noting the limited employment generated at the operational stage of the process.

7.3. Ecology

7.3.1. The Planning Authority's second reason for refusal refers to the potential impact on protected mammals, and the lack of information in relation to same, namely the absence of a mammal survey report. While not referred to in the reason for refusal, the Planner's report expresses concern explicitly in relation to the potential impact on the Pine Martin, which is a protected species under Annex V of the Habitat Directive and under the Wildlife Act 2000 (as amended).

7.3.2. The first party appellant notes that an Ecological Impact Assessment (EclA) was carried out which included a mammal survey, and this was submitted with the original application. It is further set out that mitigation measures were included within the application including boundary fencing with habitat links, allowing the unimpeded movement of small mammals. It is further contended that the site is unsuitable for mammals, which is apparent when the site is visited. Notwithstanding same, a supplementary 'Pine Martin Survey Report' has been submitted with the appeal documentation, and I would draw the Board's attention to same.

7.3.3. The Ecological Impact Assessment Report (EclA), dated September 2022, as submitted to the Planning Authority at application stage sets out the baseline ecological environment. It is noted that the nearest protected site is located 33m from the northern boundary of the site, the Ballinasloe Esker pNHA, on the opposite side of the Galway to Dublin Railway Line. The EclA notes that while the site has a low suitability for the lesser horseshoe bat (at it is outside its foraging range) it has a higher suitability for the Common pippistrelle and Soprano pipistrelle, as the site has hedgerow to the north and east, which has potential to be used for roosting, feeding

and foraging. There is some inconsistency in the EclA with Section 3.4 stating that *'There is no linear feature such as hedgerows and treelines on site, therefore the site lacks suitability for bats to forage and feed. In this regard no impacts are predicted on bats.'* Section 6.2.2 of the EclA states that *'the proposed development will result in the permanent loss of dry neutral grassland (GS1), recolonizing bare ground (ED3), spoil and bare ground (ED2), Scrub (WS1) and hedgerow (WL1) habitats'*. Figure 2.4 of the EclA indicates hedgerow on the eastern boundary of the site, with additional hedgerow to the north and north-east but outside of the redline boundary. However, it would appear that clarification provided in Section 5 of the report with the EclA noting that *'To the east of the site is a hedgerow (WL1), main species present Brambles (Rubus fruticosus) and Hawthorn (Crataegus monogyna). Scrub (WS1) has begun to encroach on the site along the north and east of the site, species such as goats willow (Salix caprea) and Gorse (Ulex europaeus)'*. As such it would appear that the Scrub (WS1) is proposed to be removed to facilitate development, given the remainder of the hedgerow to the east is outside of the redline boundary.

- 7.3.4. Section 3.4 of EclA refers to 'Other Mammals' and within this section it is noted that the site survey observed an Irish Hare present on site, with two Red fox cubs recorded to the south-east of the site. Scat was recorded on site, likely from a pine martin or stout. No impact on habitats is predicted given that no vegetation on site will be altered or removed, and no impacts on birds is predicted for the same reason. The habitat survey as set out in Section 5 of the EclA notes that the site is mostly made up of 'Spoil and bare ground' (ED2), with some areas of 'Recolonising base ground' (ED3) and 'Scrub' (WS1) (Figure 2.4 of the EclA refers). It is noted within the report that the site is brownfield site comprised of a former sand and gravel quarry, with a railway of the site. The Derrymullan Steam (or a tributary of) runs to the immediate north of the site.
- 7.3.5. In relation to potential impacts of the development, in the absence of best practice measures, it is concluded there could be a permanent slight negative impact on general fauna and floral habitat. It is noted that the proposed development would result in the loss of the habitats on site. In addition, in the absence of best practice measures, it is considered there could be a temporary, moderate, negative impact as a result of earth moving and levelling which could result in pollution of various forms to run off the site and enter the surrounding environment. Notwithstanding that no

invasive species were recorded on the site, it was considered that construction related activity has the potential to result in the introduction of same, with a long term slight negative impact.

- 7.3.6. Best practice measures incorporated into the design are set out, and during the construction stage, these include *inter alia* silt traps and other measures to prevent pollutants entering the surrounding environment, and general good construction management practices to prevent invasive species being introduced on site. Fencing, with mammal links, are proposed to accommodate the movement of mammals and outdoor lighting will be designed in accordance with guidelines set out in Bat and artificial lighting in the UK- Bats and the Built Environment series (BCT and ILP, 2018; Voigt et al., 2018). Hedgerow and treeline planting is proposed for the north and east of the application site. No significant residual impacts are predicted with these best practice, and mitigation measures in place. No operational impacts are identified within the EclA.
- 7.3.7. The first party appellant has also submitted a 'Pine Martin Survey Report' that aims to respond to the Planning Authority's second reason for refusal. This report is based on 3 no. walkover surveys and baited camera traps, which were carried out in December 2022, supplementing the walkover surveys carried out for the EclA. The report notes that no sign of a den was recorded onsite and no pine martin were seen during the site inspection or captured on the camera. It is noted that the woodland area north of the site could potentially be used as a feeding foraging area for pine martins, but the site itself is not suitable as it is made up of bare ground or recolonising ground, and it does not have any potential to accommodate a pine martin den. The railway line also creates a barrier to the movement of the species from the woodland to the north to the application site. Section 4 of the report reiterates that the site is unsuitable for Pine Martins due to the majority of their lives being in trees or vegetation. The noise and disturbance from trains is also likely to deter pine martins from using the subject site. No further signs of pine martin were found to during the walkover surveys carried out in December 2022. It is concluded the proposed development would have not have any impacts on pine martins.
- 7.3.8. In relation to the above, and noting the conclusions of both the EclA and the supplementary Pine Martin Survey Report, I am satisfied that there will be no significant impact on mammals, including pine martins, as a result of the proposed

development. In addition, I am satisfied that that there will be no adverse on ecology more generally, including the ecology of the Ballinasloe Esker pNHA, located to the north of the site, having regard to the conclusions of the EclA, the nature of the site, which is of low ecological value, and having regard to the nature of the development proposed. Specifically in relation to bats, I note that the proposed development does not proposed to remove any hedgerow, but rather proposes to remove the scrub that is encroaching into the site, with additional hedgerow proposed to the north and east of the application site which will provide foraging habitat for bats, as noted in the EclA. I am satisfied that the proposed measures as set out in the report, including appropriate lighting, will ensure no significant impacts on bats result from the proposed development.

7.4. Other Issues

Flood Risk

- 7.4.1. The application was accompanied by a Flood Risk Assessment. I note the Planning Authority did not raise any concerns in relation to flood risk. With reference to the low resolution OPW Preliminary Flood Risk Assessment indicative fluvial flood maps, it is noted within the FRA that the site is located either within or in close proximity to the flood risk area of the tributary of the Deerpark River. As noted in the FRA, these maps provide only an indication of areas that may be prone to flooding and should not be used as the sole basis for defining the Flood Zones. In this regard information sourced on the OPW website floodinfo.ie does not indicate any historic flood events close to the site, with the nearest such events at least 2km from the subject site, although other sources of information indicate that there is a pluvial flood risk area to the immediate west of the subject site. The FRA concludes that the main risks on the site related to potential fluvial flooding from the drainage ditch associated with the Deerpark River (Ditch 2) which runs to the immediate north of the site, and potential pluvial flooding in heavy rainfall events.
- 7.4.2. In relation to fluvial flood risk it is stated that waters will remain in the drainage ditch channel in all relevant flood scenarios considered (when factoring in predicated flood depths for various scenarios, as well as climate change and the nature of the drain, including the channel depth). Any pluvial flood risk will be managed by appropriate

water management measures (which are detailed in the relevant section below). It is concluded that the proposed development is within Flood Zone C and therefore the justification test is not required. It is also concluded that there will be no increased flood risk off site as surface run off from the proposed development will be managed within the subject site.

- 7.4.3. In relation to same, and having regard to conclusions of the Flood Risk Assessment, and having regard to the other considerations above, I am satisfied that the site, as proposed, is not subject to fluvial flooding, groundwater or tidal flooding, the proposed development site will not be subject pluvial flooding, with the surface water measures as set out in the FRA (and the Surface Water Disposal Engineering Report) being implemented (and as discussed below), I do not consider that the proposal will increase flood risk on this site or on surrounding sites, have regard to considerations above.

Site Services

- 7.4.4. The application was accompanied by a Surface Water Disposal Engineering Report. This sets out proposals for storm water and surface water drainage from the proposed development site. It is noted that there is no public surface water drainage network located in the vicinity of the site. There is an existing storm water sewer (concrete pipe) to the west of the site which runs under the rail line, and which is maintained by lanrod Eireann, and there is an existing open drain located to the north of the site (as noted in the discussion of Flood Risk above). All surface water on the site will be disposed of within the site, with an overflow discharging to the existing open channel. Drainage will be via 3 no. soakaways designed in accordance with BRE digest 365. Surface water from the road and hardstand areas will drain to a soak area via a bypass separator.
- 7.4.5. Waste water will be disposed of via an on-site wastewater disposal system (Proprietary Sewage Treatment System - packaged wastewater treatment system and polishing filter), with the Site Characterisation report confirming the site is suitable for same, and recommends system with a capacity of 8 PE, which should be installed as per EPA Guidance. Details of same are set out in the Site Characterisation report.

7.4.6. No objections have been raised by the Planning Authority in relation to surface water, storm water or wastewater disposal. I am generally satisfied that, subject to detailed design of the proposed surface water and waste infrastructure being to the satisfaction of the Planning Authority, the proposals will be adequate to serve the proposed development.

8.0 Appropriate Assessment:

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3)
- 8.1.3. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the 'Appropriate Assessment Screening Report' (dated September 2022) and the 'Natura Impact Statement' (dated September 2022), as well as other relevant information on file and relevant submissions received.

The Project and its Characteristics

- 8.1.4. I refer to the Board to the detailed description of development in Section 2.0 of this report. In relation to foul and surface water proposals, I have set out details of same

in Section 7.4 of this report and I refer the Board to same. The baseline ecological environment is set out in Section 7.3 of this report and I refer the Board to same.

- 8.1.5. The applicant's AA Screening Report identifies the potential for likely significant impacts potential impacts on 1 no. European Sites as follows:
1. The River Suck Callows SPA (Site Code 004097) due to the an identified hydrological connection/pathway via Derrymullan Stream. During the construction phase significant impacts cannot be ruled out, due to surface water runoff. The Derrymullan stream which flows 5.5km downstream towards the River Suck Callows.
- 8.1.6. Likely significant impacts on all other European Sites are ruled out in the AA Screening Report.
- 8.1.7. A Natura Impact Statement (NIS) was submitted with the application on the basis of the conclusions of the revised AA Screening Report. This NIS sets out a description of the River Suck Callows SPA (Site Code 004097) including the relevant qualifying interests. Mitigation measures are set out which include surface water management and pollution control measures at construction stage, as well as measures to prevent groundwater pollution. With these measures in place, is concluded within the NIS that the proposed development, individually, or in combination with other plans or projects, will not have any significant adverse effects on the River Suck Callows SPA.

Inspector's AA Screening

- 8.1.8. I note there is no watercourse that runs through the site although there is a drainage ditch/stream. which is a tributary of the Derrymullan Stream located close to north of the site. This is mapped by the EPA (with reference to mapping on the EPA website¹) although it is unnamed. This watercourse is referred to as the Derrymullan Stream in the AA Screening Report, the NIS and the EclA, but is referred to as a drain (Drain 2) in the Flood Risk Assessment. The FRA notes that this is part culverted as it runs through the wider site but opens to an open drain to the south of the railway line. This joins the Deerpark Stream approximately 700m to the north of the site (with reference to the EPA mapping) which in turn the enters the River Suck

¹ <https://gis.epa.ie/EPAMaps/>

Callows SPA approximately 4.4km to the east of the site, and eventually discharges to the River Suck, a downstream distance of 5.5km (as cited in the AA Screening Report). As such, there is a hydrological connection from the site to the River Suck Callows SPA.

Identification of relevant Natura 2000 sites (Zone of Impact)

8.1.9. The Applicant’s Screening Report notes the only European Site that has the potential to be impacted is the River Suck Callows SPA, due to the hydrological connection noted above, and rules out impact on any other European Sites due a lack of any ecological connections to same.

8.1.10. There are 4 no. European Sites within a 15km radius of the site as follows:

Site (Code)	Distance from Site	Qualifying Interests	Conservation Objectives
River Suck Callows SPA (004097)	4.03km to the east	Birds A038 Whooper Swan (Cygnus cygnus) A050 Wigeon (Anas penelope) A140 Golden Plover (Pluvialis apricaria) A142 Lapwing (Vanellus vanellus) A395 Greenland White-fronted Goose (Anser albifrons flavirostris) Habitats Wetlands	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA To maintain the favourable conservation condition of the wetland habitats in at the River Suck Callows SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.

<p>Glenloughaun Esker SAC (002213)</p>	<p>4.76km to the south- east</p>	<p>Habitats 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco- Brometalia) (*important orchid sites)</p>	<p>To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Glenloughaun Esker SAC.</p>
<p>Killeglan Grassland SAC (002214)</p>	<p>12.24km to the north-east</p>	<p>Habitats 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco- Brometalia) (* important orchid sites)</p>	<p>To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Killeglan Grassland SAC</p>
<p>Castlesampson Esker SAC (001625)</p>	<p>14.4km to the north- east</p>	<p>Habitats 3180 Turloughs* 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco- Brometalia) (* important orchid sites)</p>	<p>To restore the favourable conservation condition of the habitats listed as qualifying interests for this SAC.</p>

- 8.1.27. I share the view that the site has an indirect hydrological connection with the River Suck Callows SPA, as per the reasoning in the Appropriate Assessment Screening Report, noting that while the tributary does not run directly through the site, it is within close proximity to same (it lies c20m to the north). While not discussed in the AA Screening Report (or the NIS), I note the site is underlain by the Aughrim groundwater body, which underlies the Glenloughaun Esker SAC, and which in part underlies the River Suck Callows SPA, and as such there is a groundwater connection to same. The site is located within an area of 'High' and 'Moderate' groundwater vulnerability (with reference to GSI Mapping)².
- 8.1.28. I am not of the view there are any other European Sites within the zone of influence of the proposed development, given the lack of obvious source-pathway-connections, with reference to the AA Screening Report, the NIS, and other documentation on file, as well as information as viewed on the EPA Appropriate Assessment Tool³. As such likely significant impacts on European Sites, other than the 2 no. European Sites referred to above (River Suck Callows SPA and Glenloughaun Esker SAC) can be ruled out at a preliminary stage.
- 8.1.29. I have set out the Qualifying Interests/Species of Conservation Interest and Conservation Objectives of these 2 no. sites in Table 1 above.

8.2. **Assessment of Potential of Likely Significant Effects**

Habitat Loss and Fragmentation

- 8.2.1. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. As set out in the AA Screening Report, the NIS and in the EclA, the proposed development site does not offer any significant habitat for bird species, and as a result does not offer any significant *ex-situ* habitat for any of the SCI species for any SPA (the nearest such SPA being the River Suck Callows SPA located c4km from the site).
- 8.2.2. I am satisfied, therefore, that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any

² <https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aac3c228>

³ <https://gis.epa.ie/EPAMaps/AAGeoTool>

significant *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

Habitat degradation as a result of hydrological impacts

- 8.2.3. I note the conclusions of the AA Screening Report, in which it is noted that there is potential for deterioration of surface water quality resulting from pollution, associated with the construction phases of the development, in the absence of mitigation. It is stated within the AA Screening Report that this may have an indirect effect on bird species. Table 7.2 clarifies that a deterioration of the water quality of the wetlands utilised by the bird species associated with the River Callows Suck SPA could have an impact on same.
- 8.2.4. I note the tributary of the Derrymullen Stream does not run through the site but the open channel of same is some 23.27m north of the subject site (as stated in Table 7.2 of the AA screening report). I note also the distance via the downstream network from the subject site to the River Suck Callows SPA, which is quoted as 5.5km. In relation to same, there is no discussion of any potential dilution effects, within the AA Screening Report, or within the NIS, that would occur should pollutants enter the surface water network. I am of the view that that best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Construction Environmental Management Plan (CEMP), as submitted with the Planning Application, would prevent polluted surface water from entering the surface water drainage network, at construction stage. Such measures as outlined in the CEMP constitute the standard approach for construction works relating to a project such as the one proposed here, and they are not mitigation measures for the purposes of AA Screening. Their implementation would be necessary for a development of the type proposed here in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site such as this one whether or not they were explicitly required by the terms or conditions of a planning permission. However, even in the absence of the above measures, I note that the site is at least c4km (as the crow flies) or 5.5km downstream distance from the point the Derrymullen Stream enters the boundaries of the River Suck Callows SPA. As such the ecological connection is

somewhat weak, in my view, and I am of the view that that any contaminants (i.e. such as oils, hydrocarbons, silt etc) would be sufficiently dispersed and diluted by the point of entry into the River Such Callows SPA, so as to be undetectable. As such I am satisfied that likely significant effects, as a result of hydrological impacts at construction phase, on the River Suck Callows SPA, can be ruled out, notwithstanding the conclusions of the AA Screening Report.

8.2.5. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the Surface Water Disposal Engineering Report will serve to ensure that no deterioration in surrounding surface water will result from the proposed development, at operational stage. Drainage will be via 3 no. soakaways designed in accordance with BRE digest 365 and will be confined within the site (see discussion in relation to groundwater below). Surface water from the road and hardstand areas will drain to a soak area via a bypass separator. Stormwater will discharge to overflow discharging to the existing open channel.

8.2.6. I note the nature of the proposed development which is the maturation of distilled whiskey, which is a highly flammable substance, and which will be stored on site. While there is no discussion with the AA Screening Report of possible operational impacts on surrounding surface waters, in the event of a spillage or a fire event, I am of the view that a spillage of magnitude, either on its own or related to a fire event, that would impact on Natural 2000 sites downstream, including the River Suck Callows SPA is possible, but is unlikely, in my view. Should such a spillage event occur, similar considerations in relation to the dilution of pollutants would also apply in this instance, as discussed above. As such likely significant effects, related to a spillage event, on downstream Natura 2000 sites can be ruled out in my view.

Groundwater

8.2.7. I also note that the site shares the same groundwater body as the 2 no. Natura 2000 sites above, either in whole or in part (Aughrim GWB). The site lies within an area of 'High' and 'Moderate' groundwater vulnerability and is underlain by limestone. However I am satisfied that the standard construction practices as set out in the CEMP will serve to protect groundwater quality, at construction stage. I am also satisfied that the surface water measures at operational stage will serve to protect

groundwater quality, noting that any surface water runoff from hardstanding car parking and road areas, will drain to ground via a petrol interceptor, which will ensure the removal of such pollutants prior to entering the groundwater. At operational stage, Waste water will be disposed of on site via a Proprietary Sewage Treatment System (8 P.E) which will be installed via EPA guidelines. I am satisfied that this system will serve to protect groundwater quality underlying the site. In relation to operational impacts related to a possible spillage of the whisky stored on the site, as noted above I am satisfied that such a spillage event of magnitude is unlikely. As per the discussion above, should such a spillage event occur, it is likely that any pollutants would be so diluted to be rendered undetectable, given the distance from the site to the nearest Natura Sites which share the same groundwater body as the subject site, either in whole or in part (the River Suck Callows being c4km from the site and the Glenloughaun Esker SAC being c4.7km from the site). As such likely significant effects, related to a spillage event which then drains to groundwater, on the two Natura 2000 sites considered above can be ruled out in my view.

In-Combination Impacts

- 8.2.8. In relation to in-combination impacts, I note that other projects within the Galway area which can influence conditions in the surface water network or in the underlying groundwater body are also subject to AA Screening (Stage 1) or Stage 2 Appropriate Assessment, and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in the county and beyond.
- 8.2.9. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

AA Screening Conclusion

- 8.2.10. Notwithstanding the submission of a Natura Impact Statement (NIS), it is reasonable to conclude that, on the basis of the information on the file, and on the basis of publically available information on the EPA and NPWS websites, which I consider to be adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be

likely to have a significant effect on the River Suck Callows SPA (004097) or the Glenloughaun Esker SAC (002213), or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

9.0 EIA Screening

- 9.1.1. Whiskey maturation warehouses are not listed as a development type in Part 1 of Schedule 5 of the Planning and Development Regulations 2001-2018 and accordingly a mandatory environmental impact assessment (EIA) is not required.
- 9.1.2. In consideration of the development listed under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001-2018 including 7(d) of Part 2 of Schedule 5 (Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum), the project type, while ancillary to a distilling project, would not fall within an installation for commercial brewing and distilling or an installation for malting. Essentially, the current proposal would involve the maturation stage and bottling, which occur post the distilling process. Accordingly, the proposal does not fall within this project category.
- 9.1.3. Part 10 of Schedule 5 outlines types of development with specified thresholds. While the closest category would be 10(b)(iv) – 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, I am satisfied that given the rural location, the proposal cannot be reasonably considered an urban development and consequently the development is not of a type which would fit within this category.
- 9.1.4. In also considering category 10(a) 'Industrial estate development projects, where the area would exceed 15 hectares', I am satisfied that the development of 1 no. warehouse in the rural area does not relate to an industrial estate and therefore is not a development type which would fit within this category.
- 9.1.5. I am also satisfied that the development would not come within any other category within Part 2 of Schedule 5 of the Regulations.

9.1.6. I conclude that the proposed development is not a prescribed class of development for the purpose of section 176 of the Planning and Development Act 2000, as amended, and the requirement for EIA and the preparation of an EIA report does not arise.

10.0 Recommendation

Further to the above assessment, it is recommended that permission is **Granted**, subject to the following conditions and for the reasons and considerations set out

11.0 Reasons and Considerations

The 'agri-food' development proposed is supported by the over-arching national policy as set out in National Policy Objective 23 of the National Planning Framework 2040 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. Having regard to the nature and scale and the unique characteristics of the proposed development (whiskey maturation and bottling) the Board recognises that it is different to standard warehousing and that directing this type of development into zoned lands would result in an inefficient use of serviced zoned lands. The Board also noted that the development type can be accommodated in a rural location by reference to Policy Objective CD 1 of the Galway County Development Plan 2022-2028 which supports small scale rural orientated enterprises in unserviced rural areas outside of town or village settings, where certain criteria are met. In this regard, the Board is satisfied that the criteria listed would be met and that the proposed development would contribute to the rural economy of Galway County and the region. It is further considered that the development would not give rise to an unacceptable impact on the landscape or the visual character of the area, would not seriously injure the residential amenities of the area or property in the vicinity, would not give rise to an unacceptable traffic hazard and would not result in any unacceptable loss of or impact on ecological habitats or species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Detailed specification for all proposed external materials and finishes (including trade names) to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

Reason: In the interests of visual amenity and to integrate the development into its surroundings.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. If a borehole is to be utilised, it shall serve as a drinking water supply only and the borehole shall be constructed in compliance with the EPA Drinking Water Advice Note No. 14: Borehole Construction and Wellhead Protection.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The on-site wastewater treatment plant and soil polishing filter shall be installed, operated and maintained in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) as published by the Environmental Protection Agency (2021).

Reason: In the interest of public health and protection of the environment.

6. The construction of the development shall be managed in accordance with the Construction Environment Management Plan received by the planning authority on the 7th day of October 2022. This plan shall be updated as necessary to ensure compliance with statutory obligations and best construction practice.

Reason: In the interests of protection of the environment and to safeguard residential amenities.

7. Prior to the commencement of development, a Construction and Demolition Waste Management Plan shall be submitted to the Planning Authority for approval in writing. This shall ensure that waste arising on site during the construction of the construction phase of the development shall be recycled, recovered and disposed of in an appropriate manner.

Reason: To ensure appropriate recycling, recovery and disposal of waste material which is generated on site.

8. Hours of construction of the proposed facility shall be between 0800 and 1900 Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

9. The requirements of Irish Rail, as set out in its submission on the application, as received by the Planning Authority on the 17th Day of October 2022, shall be complied with.

Reason: To ensure the safety of the rail line.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf

of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Rónán O'Connor
Senior Planning Inspector

16th November 2023