



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317208-23

#### Development

To: a) retain new machinery and fodder storage shed, b) retain revised yard level. Permission sought for the following: c) to demolish existing storage and agricultural storage sheds, d) works to improve sight lines to existing local access road, e) to construct new agricultural entrance off local access road.

#### Location

Carnmore West, Carnmore,  
Oranmore, Co. Galway.

#### Planning Authority

Galway County Council

#### Planning Authority Reg. Ref.

221120

#### Applicant(s)

Eddie and Mary McCormack.

#### Type of Application

Permission and Retention Permission.

#### Planning Authority Decision

Refuse Permission and Retention  
Permission.

#### Type of Appeal

First Party

#### Appellant(s)

Eddie and Mary McCormack.

**Observer(s)**

None.

**Date of Site Inspection**

24 January 2024.

**Inspector**

Stephen Rhys Thomas.

## Contents

2.0 Site Location and Description .....	4
3.0 Proposed Development .....	4
4.0 Planning Authority Decision .....	5
4.1. Decision .....	5
4.2. Planning Authority Reports .....	5
4.3. Prescribed Bodies .....	6
4.4. Third Party Observations .....	7
5.0 Planning History.....	7
6.0 Policy Context.....	7
6.1. Development Plan.....	7
6.2. Natural Heritage Designations .....	8
6.3. EIA Screening .....	8
7.0 The Appeal .....	8
7.1. Grounds of Appeal .....	8
7.2. Planning Authority Response.....	9
7.3. Observations.....	9
8.0 Assessment.....	9
9.0 Recommendation.....	13
10.0 Reasons and Considerations.....	13
11.0 Conditions .....	14
Appendix 1 – Form 1: EIA Pre-Screening	

## 2.0 Site Location and Description

- 2.1. The site is located north east of junction 19 of the M6 motorway and east of the former Galway Airport, in the townland of Carnmore. The site is situated along the R339 regional road and has frontage along a minor road along its western boundary (L71206).
- 2.2. The site comprises a farmyard with a variety of sheds, large and small. In the main the sheds are of stone or concrete construction, some are roofed others are not. A large portal frame shed of very recent construction is situated at the centre of the site. The middle portion of the site has been raised and levelled with the regional road, the new shed sits on this portion of the site. A small collection of farm equipment was on site and no apparent activity was taking place.
- 2.3. The wider area is characterised by large one off rural housing on large garden plots. Other houses, including the one adjacent to the site are older farmhouses serving the flat agricultural hinterland. There are also a number of large commercial and agricultural sheds in the vicinity of the site along the R339.

## 3.0 Proposed Development

- 3.1. Permission is sought to:
  - a) retain new machinery and fodder storage shed (217.6 sqm),
  - b) retain revised yard level
  - c) to demolish existing storage and agricultural storage sheds, sheds A, B and C
  - d) works to improve sight lines to existing local access road,
  - e) to construct new agricultural entrance off local access road.

In addition to the published description of development, plans and particulars refer to the following:

- Relocated Shed A (69 sqm).
- New Shed (37.5 sqm)
- New Garage (55 sqm)

Further information was submitted to clarify the development and uses on site, a landscape plan was prepared.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

4.1.1. The planning authority refused permission for two reasons, as follows:

1. Having regard to the excessive scale of the building proposed, combined with the raised yard level, which is located within a rural setting, it is considered that the development as proposed would not assimilate satisfactorily into the landscape, would establish an undesirable precedent for similar further developments in the area, forms a visually obtrusive feature, contravening the principles of proper planning and sustainable development. The proposed development would therefore seriously injure the amenities of the area, contravene Policy Objective LCM1 Preservation of Landscape Character and LCM 2 Landscape Sensitivity Classifications, and DM 13 Agricultural Buildings of the Galway County Development Plan 2022 – 2028.
2. The Planning Authority is not satisfied based on submissions received that the proposed development would not result in an unacceptable multiplicity of entrances off both the local and regional road network without sufficient justification. Therefore the proposal would be potentially prejudicial to public safety and contrary to Policy Objective NNR 1 Restricted Regional Roads of the Galway County Development Plan 2022 – 2028 and contrary to proper planning and sustainable development.

### **4.2. Planning Authority Reports**

4.2.1. Planning Reports

The basis of the planning authority decision, is as follows:

Report 1

- Site located in a Class 1 Landscape and within the Galway Rural Metropolitan Area and the GCTPS Area.
- Site presents visual impact issues, as a result of the number of sheds proposed on site and ground level works.
- Uses on the site and access arrangements are queried.
- Greater detail is required with regard to landscaping proposals, a berm is preferable.

In accordance with the recommendation of the Planner, further information was requested.

#### Report 2

- Uses on site are acceptable.
- The proposal for a domestic garage is not acceptable, it should be located within the curtilage of the house and has not been referenced in the description of development.
- The access on to the regional road should be blocked off and revised drawings prepared for the local road access point. Reference is made in the Planner's report to the Council's Transportation Department and statements made, a report is not on file.
- Landscaping proposals do not go far enough to mitigate the visual impact of the development.

In accordance with the recommendation of the Planner, permission was refused for two reasons.

#### 4.2.2. Other Technical Reports

Environment Section – further information required (08/12/2022).

#### 4.3. Prescribed Bodies

None.

#### **4.4. Third Party Observations**

4.4.1. A single submission that raised issues with regard to the use of the site.

### **5.0 Planning History**

5.1. Site:

None relevant.

### **6.0 Policy Context**

#### **6.1. Development Plan**

6.1.1. Galway County Development Plan 2022 -2028. The Galway County Development Plan 2022 -2028 was adopted by the PA on the 9<sup>th</sup> May 2022.

6.1.2. The subject site is located in a Low Landscape Sensitivity 1 area, in the Central Galway Complex Landscape, within the GCTPS (Galway County Transport Planning Study Area), and the Galway Rural Metropolitan Area.

6.1.3. Relevant policies and objectives of the plan include:

- Policy Objectives Rural Development
- RD 1 Rural Enterprise Potential
- RD 3 Assimilation of Buildings
- Policy Objectives Agriculture Development
- AD 3 Modernisation of Agriculture Buildings
- Policy Objective Commercial Developments in Rural Area
- CD 1 Rural Enterprises
- NNR 1 Restricted Regional Roads
- DM Standard 13: Agricultural Buildings

## **6.2. Natural Heritage Designations**

- 6.2.1. The Galway Bay Complex SAC (site code 000268) is located 2.7 kilometres to the south. Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **6.3. EIA Screening**

- 6.3.1. Having regard to the existing, limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Note Appendix 1.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The applicant has appealed the decision of the planning authority to refuse permission, the grounds of appeal can be summarised as follows:
- The retention of the machinery and fodder shed replaces the old shed and matches footprint and height.
  - The revised levels on site are to manage waterflow from the R339 on to the site. Soak holes have been constructed along the regional road, one at the entrance to the site and another is planned.
  - Demolition of two redundant stone sheds is to improve the visual quality of the area, and improve sight lines along the local road, shed 'Y' refers.
  - Access from the local road (L71206) would be safer than onto the R339.



- The new building assimilates well with the existing character of the area, other farmyards and sheds are cited by way of example.

## 7.2. **Planning Authority Response**

None.

## 7.3. **Observations**

None.

## 8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Amenity
- Traffic
- Other Matters
- Appropriate Assessment

### 8.2. **Visual Amenity**

- 8.2.1. The planning authority refused permission because they had concerns about the visual impact of the development on the surrounding area. In their view it is the excessive scale of the proposed building and the levels on the site that cause issues. It is stated that the preservation of landscape character will be adversely affected, and that the proposal would contravene Policy Objective LCM1, LCM2 and DM13. The applicant maintains that in overall terms the appearance of the site has been improved with redundant buildings removed and a new shed similar in size to that removed. The applicant points out that the proposed entrance from the local road would be safer and the existing entrance on to the regional road is noted as retained.
- 8.2.2. I observe that the prevailing character of this area of Galway is based upon large farmhouses with their attendant sheds and outbuildings serving the surrounding land holding. The area is predominantly flat with good quality grazing land. Over time the

road frontages of these farm holdings along the regional road have been given over to detached houses. Consequently, the pastoral landscape that prevailed in this area is largely gone. In addition, it is evident that farm holdings have diversified and so large agricultural and commercial sheds now dominate the area. It is for all these reasons that the development plan classifies this area as the Central Galway Complex with a low landscape sensitivity, according to the development plan this means that it is unlikely to be adversely affected by change. I also note that the R339 is not a scenic route and there are no protected views in the vicinity of the appeal site.

- 8.2.3. The planning authority have referenced LCM1 in the reason for refusal and this policy objective seeks to preserve and enhance the character of the landscape. From my observations of the site, the landscape character of the area comprises a combination of detached rural housing and where large agricultural sheds dominate, there are no views and prospects or places and features of natural beauty or interest to preserve or protect. In terms of enhancing the amenities of the area I am satisfied that the modern and suitably scaled agricultural shed that now occupies the site is an improvement in terms of visual amenity. The plans to further improve the appearance and arrangement of sheds on site is also considered to be part of the ongoing modernisation of farmyard layouts and this is supported by the development plan, policy objective RD3 Assimilation of Buildings refers.
- 8.2.4. The planning authority have also referenced policy objective LCM2 and this refers to landscape sensitivity classification and the requirement for a Landscape/Visual Impact Assessment to accompany significant development proposals. In my view, this is neither a significant proposal in terms of scale and the receiving landscape is of the lowest classification set out in the development plan. I am satisfied that in order to reconfigure a working farmyard and provide modern agricultural buildings is the sort of development that is to be expected in this agricultural area and is therefore acceptable.
- 8.2.5. Finally, the planning authority are of the view that DM Standard 13 Agricultural Buildings, has not been complied with. From the drawings submitted and my observations of the appeal site, I can see that the design and layout of the proposal is of a scale and design not unusual to the area. I do not anticipate that residential amenities will be impacted upon, as the applicant's dwelling is the closest and any

other dwelling is a suitable distance away. Public road access is to be taken from the minor country road, though I note that the entrance on to the regional road is to remain. Lastly, I note that a landscaping plan has been submitted and this will assist with the assimilation of the buildings into the rural landscape, such as it is at this particular location.

- 8.2.6. I do not agree that the existing and proposed changes to this farmyard site are unduly excessive or will adversely impact upon the rural setting of the area. I do not see that the development is a visually obstructive feature on the landscape and when combined with an appropriately detailed landscape plan, implemented within a reasonably short period of time of any grant of permission I am satisfied that the development will be a positive addition to the area.

### 8.3. Traffic

- 8.3.1. The planning authority are concerned about the acceptability of a multiplicity of vehicular entrances onto a regional road and a local road. It is their view that sufficient justification has not been given for the number of entrances and the development would contravene Policy Objective NNR1 that restricts access to regional roads. The planning authority conclude that the development has the potential to endanger public safety if permitted. The applicant states that their proposals will make the junction of the country road and the regional road much safer by removing shed A and the provision of a new farmyard entrance from the western boundary of the site. The applicant points out on drawings submitted that the entrance onto to the regional road is to remain.
- 8.3.2. I note that the planning authority state a preference to close off the entrance onto the regional road and that further information drawings submitted at planning application stage detail 70 metre sightlines in both directions along the country road at the western side of the site.
- 8.3.3. The second reason for refusal references policy objective NNR 1 Restricted Regional Roads, that seeks to safeguard the capacity and safety of Restricted Regional Roads listed in Table 6.3, against development where a maximum speed limit applies in order to protect the carrying capacity and safety of such roads. The R339 is listed as a restricted road at table 6.3, the road at this location has a straight alignment, with a dashed centreline, a posted speed limit of 80 kph and where I

observed high vehicular speeds and moderate flows of traffic. A farmyard entrance currently exists and operates onto the regional road, and appears to have been widened in the recent past. Given the information on file, the farmyard will retain its agricultural usage and I do not anticipate an intensification of use.

- 8.3.4. I note the concerns raised by the planning authority. The applicant points out that they intend to retain the entrance on to the regional road and they have stated that this entrance will facilitate heavy goods vehicle delivery from time to time and the proposed new entrance onto the L71206 will be used solely by tractors. I note that the farmyard has been levelled off with the regional road and that a ramped access has been partially constructed from the proposed entrance on to the country road (L71206) and this seems to be a safe and sensible option for day to day tractor and other farm movements. However, I see a good traffic safety reason to restrict entrances on to a regional road and I am not satisfied that there should be two entrances to this farmyard site. I note that the farmyard site is large and a number of redundant sheds are to be removed and this could facilitate a more universally appropriate access to the site from the country road. In that context I see no reason why the regional road access cannot be closed off and the proposed entrance from the country road be better designed to accommodate anticipated vehicle movements. An appropriately worded condition can ensure that these works are carried out in accordance with the requirements of the planning authority.

#### 8.4. **Other Matters**

- 8.4.1. Scope of development – Drawings have been submitted to the planning authority and dated 20<sup>th</sup> October 2022, 1<sup>st</sup> December 2022 and 11<sup>th</sup> April 2023. From the public notices, the applicant has applied for permission to retain a new machinery and fodder storage shed (217.6 sqm), this is centrally located on the site. The raised level of the yard is also to be retained along with a proposed new entrance on to the L71206. Sheds A, B and C are to be demolished, to be clear sheds A and B are located at the north western end of the of the site, and shed C is located centrally along the northern boundary with the R339. In addition, to the publicised description of development on site, initial drawings indicate a replacement for shed A (69 sqm) located along the western boundary, a new shed (37.5 sqm) and a domestic garage (55 sqm) adjacent to the farmhouse in the east. Further unsolicited drawings on the 1<sup>st</sup> December 2022 show all sheds as originally planned for demolition and

replacement. Finally, further information drawings dated 11<sup>th</sup> April 2023 show the large shed to be retained, a new domestic garage, site levels and a new entrance. The most recent drawings do not indicate other sheds originally shown as replacement and explained as necessary to the farming enterprise.

- 8.4.2. The applicant has provided reasons for the farmyard reconfiguration, and I find these to be reasonable and fair. However, the drawings submitted with planning application do not present a consistency of approach as to what will finally occupy the site. In that context, I am satisfied to accept the drawings submitted on the 11<sup>th</sup> April 2023 as the final site layout sought but this includes the provision of a domestic garage, as this was not publicised, its omission should be clarified by condition. Should circumstances change and previously indicated sheds are needed, then the necessary consent, if required should be sought with the planning authority.

## 8.5. **Appropriate Assessment**

- 8.5.1. I note the existing farmyard context of the site, the proposal to reconfigure the layout and lack of any existing or proposed livestock housing, and having such regard to the nature and scale of the proposed development, the nature of the receiving environment and lack of proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and that the proposed development would not be likely to have any significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

- 9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 10.0 **Reasons and Considerations**

Having regard to the Galway County Development Plan 2022 -2028, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic

safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of April 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission relates to the retention of an agricultural shed (217.6 sqm), to retain a revised yard level and access ramp, to demolish existing storage and agricultural storage sheds (sheds A, B and C) and to construct a new agricultural entrance off the local access road (L71206). This permission does not refer to any other structure or access point.

Reason: In the interest of clarity.

3. The use of the shed to be retained shall be limited to agricultural use only, which may include for activities associated with farming and machinery storage purposes.

The following shall apply in relation to the shed to be retained:

(a) the shed shall not be sold, let or otherwise transferred or conveyed, save as part of the overall landholding.

Reason: To ensure that the use of the building provides for activities appropriate to a rural area.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the character of the area.

5. A comprehensive boundary/entrance treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority. This scheme shall include the following: -

(a) details of boundary/entrance treatments along the southern boundary of the site adjoining the public road, including heights, materials and finishes; and

(b) Details of boundary treatments and landscaping measures for the remainder of the site.

Upon receipt of written agreement from the planning authority the applicant shall fully implement the approved details within 6 months unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and traffic safety..

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water from the proposed development, shall discharge onto the public road or adjoining properties.

Drainage details shall be submitted to and agreed in writing with the planning authority, within 3 months of this grant of planning permission, and the applicant shall submit written confirmation, accompanied by photographs, to demonstrate that said works have been satisfactorily undertaken.

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

7. Access to the site shall be via the proposed entrance on the western boundary. No additional access points shall be permitted without prior approval from the planning authority.

Reason: In the interest of traffic safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of excavation works and of traffic management and shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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.

---

Stephen Rhys Thomas  
Senior Planning Inspector

29 January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-317208-23		
<b>Proposed Development Summary</b>	To: a) retain new machinery and fodder storage shed, b) retain revised yard level. Permission sought for the following: c) to demolish existing storage and agricultural storage sheds, d) works to improve sight lines to existing local access road, e) to construct new agricultural entrance off local access road.		
<b>Development Address</b>	Carnmore West, Carnmore, Oranmore, Co. Galway.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	Y
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		Part 2, Class 1. Agriculture, Silviculture and Aquaculture, and does not equal or exceed any relevant quantity, area or limit where specified for this class.	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		Part 2, Class 1. Agriculture, Silviculture and Aquaculture, and does not equal or exceed any relevant quantity, area or limit where specified for this class.	No EIAR or Preliminary Examination required

Yes		No		
-----	--	----	--	--

4. Has Schedule 7A information been submitted?		
No	N/a	Preliminary Examination required
Yes	N/a	Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_