



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317524-23

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<b>Development</b>	Construct new two storey office administration building and a new warehouse building and all associated works.
<b>Location</b>	Saint Brendan's Road, Portumna, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2323
<b>Applicant(s)</b>	Quitmann O'Neill Packaging Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	First Party V conditions
<b>Appellant(s)</b>	Quitmann O'Neill Packaging Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14/09/23
<b>Inspector</b>	Darragh Ryan

## 1.0 Site Location and Description

1.1. The site is located to the north of Potumna along the N65. It has a stated site area of 1.16ha.

1.2. The site is characterised by a number of different warehouse buildings and large yard area. There is an existing large industrial warehouse on site, total floor area of 4,418.17sqm providing material for packaging. The general character of the area is mixed. There is established pattern of one-off residential dwellings on large plots to the east (rear) of the site. Further north is an existing large car dealership and to the south are three commercial premises including a tyre shop and a trade shop for dairy equipment.

## 2.0 Proposed Development

2.1. Permission is sought for:

(a) demolish existing ground floor office space

(b) construct new two storey office and administration building with elevational changes and new signage to existing building

(c) construct a new warehouse building and all associated site works

2.2 The proposed demolition works are 176m<sup>2</sup>. The new two storey office and administration building has a total floor area of 460.1m<sup>2</sup>. The proposed new warehouse building is 960m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

Galway County Council issued a decision to grant permission subject to 15 no. conditions.

3.1.1. The planning authority decided to grant permission subject to 15 conditions, most of the conditions are standard and technical in nature, condition 7, 11 & 15 are the most relevant to the appeal and can be summarised as follows:

**Condition 7** states that all surface water generated on site shall be discharged to appropriately sized soakaways within the site in accordance with BRE Digest 365 or

equivalent and shall not be discharged onto the road or adjoining properties. Surface water shall pass through appropriately sized interceptor traps prior to discharge to soakaways. The development shall not impair existing land or road drainage.

**Condition 11** states that no storage of materials shall take place outside of the existing building on site.

**Condition 15** related to Development Contribution Charges for the proposed new warehousing and offices on site. The development contribution charges are indicated to be charged in accordance with adopted Development Contribution Scheme of Galway County Council. The charges are broken down individually for each of the proposed uses on site.

## 3.2. Planning Authority Reports

### 3.2.3. Planning Reports

Basis for Planning Authority Decision

There are two planning reports on file. The PA requested further information on the 15<sup>th</sup> of March 2023 in relation to road safety/internal layout as follows:

- A statement of parking compliance in respect to overall/cumulative development as per thresholds set out under DM Standards 31 of the County Development Plan
- Auto track and swept path analysis to demonstrate the site is capable of accommodating the appropriate turning movements from the entirety of the site including access off the National Road.
- Applicant advised to contact the Roads & Transport Unit of Council to provide a formalised/ concentrated vehicular entrance to serve all of the new development.

3.2.4. The subsequent planning officers report notes the following:

- The proposed new extension and warehouse are acceptable in principle and in compliance with the Industrial zoning namely Policy Objective PSGT 5 (Industrial). The proposed offices are ancillary to the main use on site. Size, scale and design of development is deemed acceptable.

- Details of car parking for the site, in addition to an auto track analysis have been provided to the satisfaction of the planning authority.
- The development at the site would not be likely to have a significant impact on the SPA located 1.5km from the site.
- The site is not identified to be at risk of flooding.

### 3.3. Other Technical Reports

**Roads & Transportation Dept** - recommending the following:

- Revised car parking layout to be submitted prior to commencement of development to provide permanent traffic management measures proposed at internal layout junctions.
- Sight distance triangle shall be maintained.
- All surface water generated on site shall be disposed of within the site and shall not be discharged to public road or adjoining property.
- Measures shall be taken by developer to prevent spillage or deposit of clay, rubble or other debris during the course of works.
- A Construction and Environmental Management Plan shall be submitted that takes account of noise and vibration on site during construction works. Nearest noise sensitive locations and monitoring points shall be provided to give details of predicted noise and vibration impact.

#### 3.3.1. Prescribed Bodies

None

#### 3.3.2. Third Party Observations

None

## 4.0 Planning History

Subject Site

**GCC Reg. Ref. 17/1162** – Permission granted 22.09.2017 to Quitmann O’Neill Packaging Ltd for the erection of an extension to existing warehouse building, including all associated site works.

**GCC Reg. Ref.15/958** – retention permission granted 25.09.2015 to Quitmann O’Neill Packaging Ltd for the erection of perimeter security fencing as erected, including provision of ancillary of service onto R355 including associated works

**GCC Reg. Ref. 14/930** – Permission granted 19.01.2015 Quitmann O’Neill Packaging Ltd for the erection of a 2.5m high perimeter security fencing including associated site works and change of use of the site area for the recycling of materials in connection with Waste Facility Permit.

## 5.0 Policy Context

### **Galway County Development Plan 2022-2028**

Site Zoned Industrial

#### **PSGT 5 Industrial**

Promote the expansion where appropriate of industrial and industrial related uses, including manufacturing, processing of materials, warehousing and distribution on suitable lands, with adequate services and facilities and a high level of access to the major road networks and public transport facilities. Adequate edge treatment and/or screening will be required to ensure high quality interfaces with public spaces and any adjoining residential areas or other sensitive land uses, as appropriate.

### 5.1. Development Policies Specific to Portumna

#### **PSGT 1 Sustainable Town Centre**

Promote the development of Portumna, as an intensive, high quality, well landscaped, human-scaled and accessible environment, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors. The town centre and associated main street shall remain the primary focus for retail and service activity within these plan areas.

Policy Objective NBH 1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species

Policy Objective NHB 3 - Protection of European Sites

Policy Objective WW10 -To require all new developments to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate in new development and the public realm.

## 5.2. Natural Heritage Designations

- IE000216 River Shannon Callows SAC 455 m West
- IE002241 Lough Derg, North-east Shore SAC 1.6km South
- IE004096 Middle Shannon Callows SPA 455m
- IE004058 Lough Derg (Shannon) SPA 1.6 km

## 5.3. EIA Screening

See completed Form 2 on file. Having regard to the 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 & 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant has appealed condition no's 7, 11 and 15 of the decision of GCC. The grounds of appeal can be summarised under the following headings:

#### Condition 7

- It is set out that the condition to control and manage all surface water generated on site to be onerous. The existing buildings to the front of the site are already connected to the public sewer whereby the surface water of these buildings is managed. There is already existing soakaways on site for the parking area and proposed remaining buildings. The appellant contends that the management of 100% of surface water on site is not warranted and will result in additional significant cost to the developer.

### Condition 11

- Regarding the requirement as set out in condition 11 that no storage of materials shall occur outside of the existing building on site. The applicant contends that this will not be possible owing to the nature of the business and states that large number of timber pallets are retained on site and distributed back to suppliers and other companies. These pallets are stored in the open part of the site awaiting collection/ distribution. The applicant contends that the additional warehousing is necessary for the expansion of the business with the outside area necessary to accommodate space in the warehousing for sporting and distribution. The applicant refers to a previous planning permission which was refused for the expansion of additional space into a greenfield site.

### Condition 15

- The appellant argues that the application of development contributions is unfair owing to the site being in use since the 1970's. The business is existing, and part of the development consists of demolition of old office to facilitate rebuilding to provide more space for employees and additional storage space. The appellant argues the development contribution levy is unfair and is anti – development.

#### 6.1.1. **Planning Authority Response**

The planning authority has no further comment.

#### 6.1.2. **Observations**

There are no observations with reference to this appeal.

#### 6.1.3. **Further Responses**

None

### 7.0 **Assessment**

- 7.1. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 7,11 & 15 of the

planning authority decision, I am of the opinion that the determination of the application as if it had been made to the Board in the first instance is not warranted.

In that regard, I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 7, 11 & 15 of the planning authority decision.

I consider the key issues in determining this appeal are as follows:

- Surface Water Management
- Storage and management of materials externally
- Development Contribution charges
- Appropriate Assessment

## 7.2. **Surface Water Management – Condition 7**

- 7.2.1. The subject condition refers to control and management of all surface water on site so that no water flows onto the public road or site boundaries. The condition appears to be a standard condition issued on the basis of technical report received from Galway County Council Transportation and Infrastructure Department.
- 7.2.2. I note that the documents on file indicate that for the existing buildings to the front of the site the applicant has shown a storm sewer connection to these buildings with a separate public sewer connection. As part of the appeal the appellant sets out that surface water from the existing building is connected into the public sewer and seeks to keep this arrangement on site. This conflicts with the planning application and detail supplied at appeal stage.
- 7.2.3. There is no reference to the existing surface water arrangement within the planning authority's report or detail with respect to capacity of the storm sewer. The applicant has stated within the planning application that surface water shall be dealt with by way of public sewer/drain. There is no report on file from Irish Water.
- 7.2.4. With respect to surface water management the Galway County Development Plan Policy WW10 applies. This requires all new developments to provide separate foul and surface water drainage systems and incorporation of SUDS measures where appropriate in new development.

I further note that within Table 7.10: Indicative Infrastructure Capacity for Core Strategy Settlements of the Galway County Development Plan 2022 – 2028, Portumna is identified as having limited capacity with respect to waste water. The Uisce Eireann Website has given Portumna an indication of green in terms of capacity. This indicates potential capacity in the system for taking some surface water from the site.

- 7.2.5. As there is a discrepancy in the planning application and the failure by the applicant to substantiate the presence of a separate storm sewer, I consider it is appropriate to err on the side of caution with respect to the assessment and consider that surface water from existing buildings is discharging into the public sewer.
- 7.2.6. With respect to the use of the existing public sewer for the continued discharge of surface water from the existing buildings, I consider this arrangement to be acceptable. The additional loading from the extension onto the system in terms of surface water is not, in my opinion, significant. A total footprint of 176m<sup>2</sup> of area from the existing building is to be demolished and replaced with a new two storey extension with an approx. footprint of 237.5m<sup>2</sup>. The Policy Objective WW10 with respect to providing separate foul and surface water drainage relates to new developments. As this is a relatively minor extension to an existing building, I consider the maintenance of existing arrangement for control and management of surface water appropriate. In this regard I believe this aspect of the appeal should be upheld.
- 7.2.7. With respect to the collection of surface water from proposed parking area and new buildings on site the applicant has proposed an attenuation tank with an integrated oil interceptor. The attenuation tank is sized at 67m<sup>3</sup>. No details with respect to calculations for the sizing of this tank have been provided with the application. No detail of proposed discharge rate to the soakaways have been provided by the applicant. The applicant has not demonstrated the use of permeable paving, gullies or flow paths from the parking area/ new building to the attenuation tank. No detail has been provided with respect to build up of material for the proposed car parking/ external storage yard area.
- 7.2.8. Through the condition the Planning Authority sought that the soakaway be constructed to in accordance with BRE digest 365.

7.2.9. The applicant has stated that no surface water will discharge onto the public road or third-party properties.

7.2.10. I consider the proposal to provide attenuation with interceptor and provision of soakaways for the parking area and new building to be appropriate and in compliance with Development Plan Policy Objective WW10. However, I do recommend an amendment to the condition 7 so that clarity is provided with respect to discharge methodologies on site for the existing buildings and the new buildings, should the Board be minded to grant planning permission.

### 7.3. **Storage of Materials - Condition 11**

7.3.1. The condition requires that no storage of materials shall take place outside of existing buildings on site. On the day of the site inspection, it was noted that there was a large element of materials stored on the external yard within the site. These included a large number of timber pallets, IBC containers on pallets and other materials presumably associated with the business.

7.3.2. As part of the further information submitted within the original planning application, the applicant provided a written statement outlining purpose of the proposed extension and new warehouse facility. The extensions are to allow for existing product currently stored externally on site to be stored in the new warehouse unit. It would appear that this informed the decision of the planning authority to prohibit the storage of materials externally.

7.3.3. The applicant contends that this condition will have a severe impact on the operation of the business on a daily basis. It is put forward that a large number of timber pallets are retained on site and distributed back to suppliers and other companies. These pallets are stored in the open part of the site awaiting collection/ distribution. The additional warehousing is necessary for the expansion of the business with the outside area necessary to accommodate space in the warehousing for sorting and distribution.

The argument as put forward in the appeal contradicts the statement put forward in the original planning application.

7.3.4. The site is zoned industrial with industrial type fencing surrounding the site. The applicant seeks that condition 11 be removed and the site continue to hold timber

pallets outside of existing buildings. The applicant has not provided clear detail on a site layout for a designated area for the storage of materials.

- 7.3.5. The current site and neighbouring site to the south are characterised by industrial uses. The area west of the site is residential development; however these units are set back off the public road and footpath, with open space provision between the dwellings and public road. The site is bounded to the north by regional road R355 and a large car sales garage. To the east of the site there are large sites with one - off type rural dwellings with strong landscaping between the appeal site and these dwellings. The appeal site has some screen planting around the perimeter to screen the development from the public road. I do not consider the use of the outside area for the storage of materials to be out of character with the area. The current land use zoning is industrial and as such the development site does not detract to an undue degree to the aesthetic of the town at this location. Furthermore, there are no third-party appeals in relation to the planning authority decision and there are no objections or observations made to the planning authority during the application period. I consider the external storage of materials on limited basis to be in accordance with Policy Objective PSGT 5 of the Galway Development Plan.
- 7.3.6. I recommend that condition 11 be amended to allow for the storage of materials externally in specific designated areas of the site. Details of the designated area for the outside storage of materials should be provided prior to commencement of development.

#### 7.4. **Contributions – Condition 15**

- 7.4.1. A development contribution has been applied to the development of €20,381.30. The planning conditions sets out the basis for the calculation based on the Development Contribution Scheme adopted by Galway County Council. Section 48 (10)(b) of the Planning and Development Act 2000, as amended, provides that an appeal may be brought against a development contribution condition where the applicant considers that the terms of the General Development Contribution Scheme have not been properly applied.
- 7.4.2. The applicant does not provide an argument against the application of contributions based on the Contribution Scheme or Planning and Development Act. The applicant contends the levying of contributions is unfair owing to the fact the site is in situ since

the 1970's and is fully serviced. Part of the development proposal consists of demolition of existing offices and replacement of same with larger offices for the use of staff and additional file storage.

7.4.3. I have reviewed the Galway County Development Contribution Scheme and note the following:

- The Site is located within Sub Area 1. The development relates to Development classed as Group 2 and Group 3.
- Payment of previous contributions on a site is only relevant to cases where there is a proposed "change of use".
- There are no specific exemptions outlined for the particular use of warehouse and/or office.

7.4.4. Having reviewed the case for appeal against condition number 15 in relation to development contribution charges, I consider the levying of contributions in this instance to be in accordance with the Galway Development Contribution Scheme. I consider condition 15 of the decision to grant permission be retained in full.

#### 7.5. **Appropriate Assessment**

7.5.1. Lough Derg North Shore SAC is located 1.6km South of the site and River Shannon SAC is located 2.3km to the West.

7.5.2. The proposal is to construct a new warehouse on an existing brownfield site with an extension to an existing warehouse. An element of the development proposes SUDS measures in the form of discharging to ground via soakaways, in addition to discharge of existing buildings to the public sewer. As part of standard best practice, the proposal is to provide oil interceptors at attenuation stage to limit the level of hydrocarbons that can get into the ground water. The development site is located within a suburban / industrial environment 1.6km from the nearest SAC. Given the scale of the proposed development on an existing brownfield site and the distance between the subject site to the nearest watercourse (450m to a watercourse that feeds into the River Shannon) in addition to the proposed provision of oil interceptors as part of standard construction best practice, I do not consider the impacts on any SAC to be likely.

7.5.3. Having regard to the nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend the planning authority be directed to retain and amend condition 7 as follows:

In relation to surface water the applicant shall comply with the following:

- a) The discharge of surface water to the main sewer/storm water infrastructure from the existing building and proposed extension is permitted.
- b) All remaining surface water generated on site shall be disposed of within the site only and to appropriately sized soakaways in accordance with BRE Digest 365 or equivalent and shall not be discharged onto the road or adjoining properties.
- c) Only clean uncontaminated storm water shall be discharged to the soakaway system.
- d) Surface waters shall discharge through an appropriately sized interceptor to EN858 standards prior to discharge to soakaways.
- e) The development shall not impair existing land or road drainage.

Reason: In the interest of public health and to prevent flooding in the interest of traffic safety and amenity

8.1.1. I recommend the planning authority be directed to retain & amend condition 11 as follows:

The storage of materials externally is permitted on a limited basis only. Prior to commencement of development the applicant shall submit for the written approval of the planning authority a revised site layout plan indicating designated areas for the storage of materials. A full breakdown of materials to be stored externally shall be provided.

Reason: In the interest of clarity, visual amenity, orderly and sustainable development

8.1.2. I recommend that the planning authority be directed to retain condition 15 in full.

## 9.0 Reasons and Considerations

### 9.1.1. **Condition 7 – Recommended for amendment.**

Having regard to the nature of the proposed development on a Brownfield site on zoned lands, the proposed surface water measures are considered to be in accordance with Policy WW10 of the Galway County Development Plan.

### 9.1.2. **Condition 11 – Recommended for amendment.**

An element of external storage of materials is appropriate for this industrial area and in accordance with Policy Objective PSGT5 of the Galway County Development Plan.

### 9.1.3. **Condition 15 – Recommended to be retained.**

The contribution was applied correctly and in accordance with the Galway County Council Development Contribution scheme 2016.

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.

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Darragh Ryan  
Planning Inspector

10/10/23