



An
Bord
Pleanála

Inspector's Addendum Report

**ABP 319778 (Remitted
Case ABP-306464-20)**

Development	Part demolition of agricultural shed, Retention and completion of remainder of agricultural shed and access road. Permission for widening of existing access road.
Location	Rinville West , Oranmore, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19/1653
Applicant(s)	Rachel Konisberry.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Rachel Konisberry.
Observer(s)	Ann Kelly, Michael Kelly, Harry Barrett, Margaret Barrett, Robert O Callaghan, Josephine O Callaghan, Deirdre Nic Gabhainn & Donal Quinn.
Date of Site Inspection	20 th March 2020
Inspector	Bríd Maxwell

Addendum Report - Report to be read in conjunction with report ABP-306464-20 dated 8th April 2020.

1.0 Introduction

- 1.1 The Board's decision on appeal reference ABP-306464-20 was quashed by order of the high court, perfected on 25th April 2024, and has been remitted to the board for determination in accordance with the law. A new file number ABP-319778-24 has been assigned and the case has been reactivated.
- 1.2 Having regard to the high court order, the quashing of the previous decision and the passage of time, the Board issued a section 131 notice to the parties advising of the quashing and remittal and inviting submissions and observations on the application and on the updated Galway County Development Plan 2022-2028.
- 1.3 A response to the Section 131 notice was received from the applicant. No further responses were received - neither from the Planning Authority nor from the Observers. The following sections set out to summarise the response received from the applicant and to outline the relevant development plan policy context in light of the adoption of the Galway County Development Plan 2022-2028 in the interim period since the Board's decision ABP-306464-20.

2.0 Submission from the applicant in response to Section 131 notice.

- 2.1 A response was received from applicant on 1 July 2024 which is summarised as follows:

- There is an apparent shift in policy of the Planning Authority in terms of granting of various permissions in the vicinity including:

ABP Ref 311630-21 Galway County Council ref 211614. Permission on adjacent lands to the south for expansion of recreational, sports and amenity facilities at Rinvile Park and Rinvile West. 2460112 Permission for amendment to 211614.

2360205 Permission for dwellinghouse.

2460431 Permission for dwellinghouse.

- Lands on which permission was granted for Rinvile Sports Project are circa 8m above the floor level of the shed proposed for retention and do not benefit from screening.
- There is a notable conflict between the applicant's ability to farm the lands and provide an agricultural building for horses and the provision of non-necessary rural housing occupied by people who consider that agricultural facilities should be constrained.
- A number of policies and objectives within the County Development Plan are generally supportive of agricultural development of this nature including :
4.12 Equine Industry. EQ1. Section 4.2 Strategic Aims. Section 4.3.1 "to manage the growth of areas under strong urban influence and avoid overdevelopment while sustaining rural communities."

Section 4.5.2.3 Open Countryside. "To avoid overspill development in non serviced rural areas which are the source of objections to established farming practices."

Policy AGD1 Agri Diversification. "It is the policy of the Planning Authority to favourably consider proposals for on farm based diversification, which are complimentary to the agricultural operation on the farm such as: (a) Specialist farming practices, for example, flower growing, equine facilities, poultry, mushroom growing and specialised animal breeding."

- The haybarn, stables and machinery store for horses is required in order to sustain the agricultural activity on the lands.
- The building proposed for retention is heavily screened by mature planting and is not in a landscape of amenity importance.
- The Planning Authority and the Board has granted permission for GAA complex on adjoining lands to the south where there is no natural screening. Ground levels are to be significantly altered.
- Finished floor level of the shed for retention is 15.8m and ground rises to the south / south west from 21m to 22.75 at the rear of the site.

- The Board's Inspector on case ABP-302880 and Inspector in the current case had no issues with the landscape and visual impact of the shed notwithstanding the location of the site within Class 3 Landscape Sensitivity.
- Concern as to unexplained refusal by the Planning Authority to facilitate a pre-planning meeting.
- Experienced planners have been perplexed by the various refusals for a modest agricultural shed for farming purposes when assessed in relation to the permitted developments in the vicinity of the site.
- Photographs appended seek to reflect visual impact of shed proposed for retention and permitted machinery shed on adjacent Sports complex (ABP311630-21)

3.0 Policy Context - Development Plan.

3.1 The Board is advised that given the timelapse since the previous report, the Galway County Development Plan 2022- 2028 now refers. I note no significant alteration of the planning policy context. The following are relevant development plan policy considerations:

- Chapter 4 Rural Living and Development. Includes the following policies and objectives: Policy Objective AGD 1 Agri-Diversification "It is policy objective of the Planning Authority to favourably consider proposals for on-farm based diversification, which are complementary to the agricultural operation on the farm such as: Specialist farming practices, for example, flower growing, equine facilities, poultry, mushroom growing, and specialised animal breeding."
- Policy Objective EQ1 Equine Industry – "To support and promote the equine industry in the county as an economic and employment provider and welfare service in accordance with the proper planning and sustainable development of the area."
- Chapter 8 Tourism and Landscape.

In terms of landscape character, the site is within a coastal landscape Map 8.1.

Map 8.2 - Landscape Sensitivity identifies the land as being within class 3 Special. These landscapes are deemed to have a high sensitivity to change.

Policy Objectives - LCM 1 Preservation of Landscape Character & LCM 3 Landscape Sensitivity Ratings – “Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.”

Development Management Standards are set out in Chapter 15. - 15.3.2 Agriculture DM Standard 13: Agricultural Buildings. DM Standard 14 Agricultural Effluent.

3.0 Conclusion

3.1 I have read and considered the written submission received by the Board from the applicant in response to the Section 131 Notice. I have noted the relevant policies for consideration in the Galway County Development Plan 2022- 2028. I hereby advise that I do not consider it necessary to amend my recommendation to grant permission for part demolition of agricultural shed and retention and completion of remainder of agricultural shed and access road and permission for widening of existing access road as outlined in my original report dated 8th April 2020.

Bríd Maxwell
Planning Inspector

29th July 2024