



Development

Retention and completion of an agricultural shed and storage/office unit.

Location

Rossadillisk, Co. Galway.

Local Authority

Galway County Council.

Type of Application

Application for approval made under Section 177E of the Planning and Development Act, 2000 as amended for Substitute Consent.

Prescribed Bodies

Department of Agriculture, Food and Marine

Inland Fisheries Ireland

National Parks and Wildlife Service (DAU)

The Heritage Council

An Chomhairle Ealaíon

Fáilte Ireland

An Taisce

Údarás na Gaeltachta

Observer(s) E King.

Date of Site Inspection 8 May 2025.

Inspector Stephen Rhys Thomas.

Contents

1.0 Introduction	4
2.0 Proposed Development	4
3.0 Site and Location	5
4.0 Planning History.....	5
5.0 Legislative and Policy Context.....	6
6.0 The remedial Natura Impact Statement (rNIS).....	10
7.0 Consultations	11
7.1. Planning Authority Report	11
7.2. Statutory Consultees.....	11
7.3. Public Submissions	12
7.4. Further Responses:	12
8.0 Environmental Impact Assessment (EIA) Screening	13
9.0 Water Framework Directive Screening	14
10.0 Assessment	16
11.0 Recommendation	34
12.0 Reasons and Considerations.....	34
13.0 Conditions	36
14.0 Appendix 1 - Environmental Impact Assessment (EIA) Pre-Screening	40
15.0 Appendix 2 - Environmental Impact Assessment (EIA) Preliminary Examination	42

1.0 Introduction

- 1.1. This is an application for substitute consent under Section 177E of the Planning and Development Acts 2000-2011 as amended. This report provides an assessment of an application for substitute consent for the retention and completion of an agricultural shed and storage unit at Rossadillisk, Co. Galway, under Section 177E of the Planning and Development Act 2000(as amended). The site is 65 metres south of the West Connacht Coast SAC which is a designated European site. A remedial Natura Impact Statement (NIS) and application under Section 177E was lodged by the applicant Tom Termini directly with the Board on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.
- 1.3. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections 10 to 21, sections 23 to 40 and subsections (8) to (12) of section 41, of the Planning and Development, Maritime and Valuation (Amendment) Act 2022. Consequently and as now required, my assessment of this application for substitute consent that follows includes consideration of 'exceptional circumstances'.

2.0 Proposed Development

- 2.1. Permission is sought for the regularisation of development which has been partially constructed consisting of a 97 sqm shed, with a total ridge height of 7.9 metres and height above ground level of 8.352 metres. This main shed is built upon several concrete base pads that provides an air gap of 700mm. A second, smaller storage office type shed of 6.8 sqm, flat roofed, 2.3 metres in height and positioned within the ruins of a former stone building, it's retention is also sought. Retention of some minor access lane improvements to facilitate the construction of the shed, that included the use of locally sourced inert stone.

2.2. **Accompanying documents:**

- Planning Report
- Drawings
- Remedial Natura Impact Statement
- Photographs
- Public Notices
- Planning history and enforcement documentation

3.0 **Site and Location**

3.1. The subject site is located in the townland of Rossadillisk, approx. 3.5km west of Creggan in west County Galway. It comprises a rural plot that is in use by the applicant as a beekeeping and honey production operation. It is accessed via an informal, unmade track that also provides access to agricultural land further along the seafront to the east. The site is bound by low stone walls and there are the stone ruins of a shed or house in the vicinity of the new sheds. The main shed is not yet complete and the smaller shed acts as a storage office type accommodation. A single beehive occupied the southern portion of the landholding on the day of my site visit. The wider area is characterised by individual houses on large garden plots. To the immediate north west is a recently renovated stone shed/house and is in use for accommodation. The back of the foreshore is located to the north of the site and provides an informal farm trackway to other lands to the east.

4.0 **Planning History**

4.1. Site

RL07.315121 – referral dismissed, 16th January 2024.

ED 22/58 – Section 5 declaration refused 24th October 2022

ED 21/54: The Planning Authority determined on 23rd June 2021 that the proposed construction of an agricultural storage building with a gross floor area of 100sqm is development and is not exempted development.

5.0 Legislative and Policy Context

5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- West Connacht Coast SAC (site code 002998) 60 metres to the north
- Aughrusbeg Machair and Lake SAC (site code 001228) 380 metres to the south west

Other sites in the vicinity:

- Proposed Natural Heritage Areas: Aughrusbeg Machair and Lake, 380 metres to the south west

5.5. **Planning and Development Acts 2000 (as amended):** Part XA of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives. The basis for substitute consent is set out in Part XA of the Planning and Development Act, 2000, as amended, and section 177E references application for substitute consent.

Decision of the Board, Section 177K (1J) of the 2000 Act states as follows:

- (a) *whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;*
- (b) *whether the applicant had or could reasonably have had a belief that the development was not unauthorised;*
- (c) *whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;*
- (d) *the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;*
- (e) *the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;*
- (f) *whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;*
- (g) *such other matters as the Board considers relevant.]*

(2) When making its decision in relation to an application for substitute consent, the Board shall consider the proper planning and sustainable development of the area, regard being had to the following matters:

- (a) the provisions of the development plan or any local area plan for the area;
- (b) the provisions of any special amenity area order relating to the area;
- (c) the F869[remedial environmental impact assessment report, or remedial Natura impact statement, or both that report and that statement, as the case may be, and, where section 177E(2A)(b) applies, the environmental impact assessment report or Natura impact statement or both that report and that statement] F870[, as the case may be,] submitted with the application F868[or in accordance with a requirement under subsection (2CA), (2CB) or (2CC)];
- (d) the significant effects on the environment, or on a European site, which have occurred or which are occurring or could reasonably be expected to occur because the development concerned F871[was or is proposed to be carried out];
- (e) the report and the opinion of the planning authority under section 177I;
- (f) any submissions or observations made in accordance with regulations made under section 177N;
- (g) any report or recommendation prepared in relation to the application by or on behalf of the Board, including the report of the person conducting any oral hearing on behalf of the Board;
- (h) if the area or part of the area is a European site or an area prescribed for the purposes of section 10(2)(c), that fact;
- (i) conditions that may be imposed in relation to a grant of permission under section 34(4), F872[282(3) or 293(7)];
- (j) the matters referred to in section 143;
- (k) the views of a Member State where the Member State is notified in accordance with regulations under this Act;
- (l) any relevant provisions of this Act and regulations made thereunder.

5.6. Policy Context

5.6.1. The Galway County Development Plan 2022-2028 is the operative statutory plan for the area. The site is subject to the following landscape designations:

- Landscape Sensitivity Category 2-4.
- Landscape Sensitivity – 3 Special
- Landscape Character Area – Coastal Landscape

5.6.2. There are a number of relevant policies and objectives, and they include:

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.

RD 3 Assimilation of Buildings

To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will not be permitted.

AD 1 Sustainable Agriculture Practices

To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Chapter 15 Development Management Standards.

AD 3 Modernisation of Agriculture Buildings

To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

AGD 1 Agri-Diversification

It is policy objective of the Planning Authority to favourably consider proposals for onfarm based diversification, which are complementary 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; (b) Farm enterprises such as processing, co-ops, farm supply stores and agri-business; (c) The production of organic and specialty foods to meet the increase in demand for such products; and (d) The conversion of redundant farm buildings of vernacular importance for appropriate owner-run enterprises such as agri-tourism, as a way of supporting a viable rural community, subject to the proper planning and sustainable development of the area.

DM Standard 13: Agricultural Buildings

DM Standard 17: Rural Enterprise

5.6.3. Landscape Policies and Objectives:

LCM 1 Preservation of Landscape Character

LCM 2 Landscape Sensitivity Classification

Appendix 4 - Landscape Character Assessment

6.0 The remedial Natura Impact Statement (rNIS)

- 6.1. The application for the proposed development was accompanied by a Remedial Natural Impact Statement (rNIS) which scientifically examined the proposed development and the European site. The rNIS identified and characterised the possible implications of the proposed development on the European site, in view of the site's conservation objectives, and provides information to enable the Commission to carry out an appropriate assessment of the proposed works.

7.0 Consultations

7.1. Planning Authority Report

7.1.1. A request issued to Galway County Council inviting submission of a report pursuant to Section 177I of the Planning and Development Acts 2000 as amended, the planning authority's report is summarised as follows:

Site description, planning history and development plan objectives are set out.

The applicant has not submitted enough information to support the contention that the development is a farm enterprise supported by county development plan policies on diversification.

No details about the family farm business, vehicular entrance details are minimal and no measures to screen the development. No set back from the coastal zone and visual impacts have not been considered.

EIA screening information not submitted.

AA, rNIS noted. There are two designated sites close by, West Connacht Coast SAC and Aughrusbeg Machair and Lake SAC, overlap with numerous SPAs are noted.

The rNIS has limitations and concerns are raised with respect to the lack of mitigation measures for the remainder of the construction phase.

Flood Risk and Coastal Change Management – Coastal management and protection measures are not set out.

Given the forgoing, it is considered that permission for substitute consent not be granted, however, six planning conditions are recommended.

7.2. Statutory Consultees

7.2.1. The application was circulated to the following bodies:

- Department of Agriculture, Food and Marine
- Inland Fisheries Ireland
- National Parks and Wildlife Service (DAU)

- The Heritage Council
- An Chomhairle Ealaón
- Fáilte Ireland
- An Taisce
- Údarás na Gaeltachta

7.2.2. No responses have been received.

7.3. **Public Submissions**

7.3.1. A single observation that raises the following issues:

- The applicant has provided no farm details, the site has limited potential to support bees and has no home or business in the area.
- It is the intention of the applicant to build a holiday home at this location.
- The applicant has circumvented the legal process numerous times, by improving the laneway and erecting structures.

7.4. **Further Responses:**

7.4.1. The Applicant prepared a response to the submission made by the planning authority, summarised as follows:

An overview of the supportive policies of the development plan.

A rebuttal of the content of the planning authority report, pertinent issues include: the Aughrusbeg Machair and Lake SAC is 2km away, the construction technique is outlined and mitigation measures not required as wet trades not involved, the background to the business is given.

Conditions recommended by the PA are noted and acknowledged, condition 2 requires amendment.

Appendix A contains a Business Plan for Bluedog ASL that contains financial projections and a general Department of Agriculture advice in relation to honey houses.

Appendix B contains the rNIS, table 2 refers to environmental impact and mitigation measures.

Appendix C contains an AA Screening Report

Appendix D contains an assessment of the cost implications for the business due to planning delays.

Appendix E contains an NPWS Farm Plan Scheme, application.

Appendix F Horticultural Food Registration Certificate (February 2021), IFA Aquaculture application forms, professional pesticide user, drone licence, driver's licence details (parts B and W) and health and safety course details.

Appendix G contains Local Improvement Scheme Funding 2024 application details.

8.0 Environmental Impact Assessment (EIA) Screening

8.1. The application concerns the development of the retention and completion of an agricultural shed of 97 sqm, and a smaller shed of 6.8 sqm Part 2, Class 1. Agriculture, Silviculture and Aquaculture, Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and Class 10(dd) of Part 2 relating to private roads in the form of driveways of the of the Planning and Development Regulations 2001 (as amended) may all refer. I have considered all of these Classes at appendix 1 and 2 of my report and no thresholds have been met. The works in the open countryside will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage, but is located in a landscape that is highly sensitive to change. The proposed development is not likely to have a significant effect on any European Site as discussed in section 10.0 of my report below and there is no direct meaningful hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising in the area. It would not give rise to a risk of major accidents or risks to human health.

8.2. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 1, Class 1(a) of Part 2

(rural restructuring / hedgerow removal); and Class 10(dd) of Part 2 relating to private roads in the form of driveways, of the Planning and Development Regulations 2001 (as amended),

- The existing pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

8.3. I have concluded that, by reason of the nature and scale of the agricultural shed completion development and the rural location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, for further detail and analysis note that appendices 1 and 2 of my report refer.

9.0 Water Framework Directive Screening

9.1. Screening the need for Water Framework Directive Assessment Determination.

9.1.1. The subject site is located in open countryside at Rossabillisk, Co Galway. The site is located proximate to the coastal waterbody Western Atlantic Seaboard (HAs 32;33;34) and on the groundwater body Clifden Castlebar. The proposed development comprises the retention and completion of an agricultural shed. No water deterioration concerns were raised in the application.

9.1.2. I have assessed the retention of an agricultural shed project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

9.1.3. The reason for this conclusion is as follows:

- The small nature of works and the proposed uses contained within.]
- The location of the site and the lack of any meaningful hydrological connections.

9.2. Conclusion

9.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Assessment

10.1. I consider that the main issues which arise in relation to this substitute consent application are:

- Exceptional Circumstances
- Proper Planning & Sustainable Development
- The likely effects on the environment
- The likely significant effects on a European site: Appropriate Assessment

10.2. Exceptional Circumstances

10.2.1. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (Commencement of Certain Provisions) (No.2) Order 2023 (S.I. 645 of 2023) came into effect on 16th December 2023. The Commencement Order brings into operation sections 10 to 21, sections 23 to 40 and subsections (8) to (12) of section 41, of the Planning and Development, Maritime and Valuation (Amendment) Act 2022. Consequently, and as now required, my assessment of this application for substitute consent that follows includes consideration of 'exceptional circumstances'.

10.2.2. The first matter which the Commission must consider is whether or not exceptional circumstances under 177K(1J) of the Planning and Development Act, as amended, exist to allow the Board to grant permission, i.e.:

- (a) *whether regularisation of the development concerned would circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;*
- (b) *whether the applicant had or could reasonably have had a belief that the development was not unauthorised;*
- (c) *whether the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment has been substantially impaired;*

- (d) the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development;*
- (e) the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated;*
- (f) whether the applicant has complied with previous planning permissions granted or has previously carried out an unauthorised development;*
- (g) such other matters as the Board considers relevant.*

10.2.3. Would regularisation of the development circumvent the purpose and objectives of the Environmental Impact Assessment Directive? Having regard to the characteristics of the proposed development and of the area there is no real likelihood of significant effects on the environment arising from the proposed development, such as to require an environmental impact assessment (EIA). Carrying out the development did not, therefore, circumvent the purpose and objectives of the Environmental Impact Assessment Directive.

10.2.4. As regards whether regularisation of the development concerned would circumvent the purpose and objectives of the Habitats Directive, this application process requires the preparation of a remedial Natura Impact Statement (rNIS). Such rNIS must include any appropriate remedial or mitigation measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy or mitigate any significant effects on the environment or on the European site. This is addressed further under the heading Appropriate Assessment below. In my opinion the carrying out the development did not circumvent the purpose and objectives of the Habitats Directive.

10.2.5. Could the applicant reasonably have had a belief that the development was not unauthorised? There is nothing on the file to indicate otherwise than that the applicant had or could reasonably have had a belief that the development was not unauthorised. The applicant acted under the impression that the works were exempted and that no discharge to surface waters would take place. The planning history of the site is noted, specifically an invalidated section 5 referral, RL07.315121 refers.

10.2.6. Has the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment and to provide for public participation in such an assessment, been substantially impaired? In my opinion the ability to carry out an appropriate assessment and to provide for public participation in such an assessment has not been substantially impaired. The applicant advertised their intentions by the appropriate form of public notice and submitted them to the Board, dated 21st June 2024. A single observation has been received and I have had regard to its content.

10.2.7. What are the actual or likely significant effects on the integrity of a European site resulting from the carrying out or continuation of the development? These matters are addressed under the heading appropriate assessment below. They are not such as to indicate that exceptional circumstances do not exist in this case.

10.2.8. The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated is not such as to indicate that exceptional circumstances do not exist in this case.

10.2.9. No other matters arise which the Commission might consider relevant. I am satisfied that exceptional circumstances exist to allow the Commission to grant permission.

10.2.10. Exceptional Circumstances Conclusion - I note the submissions received from the applicant with reference to this current application for substitute consent and the exceptional circumstances as they have been set out. Given the foregoing, I am satisfied that the applicant has adequately demonstrated that there are exceptional circumstances pertaining, with specific reference to section 177K(1J) of the Planning and Development Act 2000 as amended.

10.3. Proper Planning & Sustainable Development

Relevant Provisions of the Development Plan for the area

10.3.1. Agricultural Policy – The planning authority have listed out what they consider to be a non-exhaustive list of the relevant policies and objectives of the development plan with respect to this application. I have listed out at section 5.6, what I consider to be the most relevant. The applicant, in their initial documentation, outlines that their development is compliant with the agricultural policies and objectives as they are laid out in the development plan. Specifically, the applicant notes that in terms of the

rural settlement category for the area, section 7(a) of the plan states: The open countryside provides for rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise.

10.3.2. The planning authority state that AGD 1 Agri-Diversification, CD 1 Rural Enterprises, SCO 3 Agri-food Industry and Rural Diversification and RD 1 Rural Enterprise Potential are probably the most relevant policy objectives to consider, but without more detail it is impossible to tell. In summary the planning authority state that AGD 1 and CD 1 do not apply because there is no detail about existing farming operations and that the site is not an established farm.

10.3.3. In relation to the policy objectives and standards set out by the planning authority, the applicant provides counterpoints summarised as follows:

RD 1 – beekeeping is labour intensive and provides supplemental income.

AD 1 – beekeeping assists pollination of grasses and other plants and is a sustainable agricultural practice.

CD 1 and SCO 3 – the development is a small scale rural orientated enterprise operating in a diversified and sustainable manner.

AGD 1 – the enterprise is bee keeping common to many rural areas.

10.3.4. To support the applicant's contention of their agricultural credentials a number of documents have been submitted and include a Business Plan for Bluedog ASL that contains financial projections and a general Department of Agriculture advice in relation to honey houses, an assessment of the cost implications for the business due to planning delays, an NPWS Farm Plan Scheme application, a Horticultural Food Registration Certificate (February 2021), IFA Aquaculture application forms, professional pesticide user, drone licence, driver's licence details (parts B and W), health and safety course details, and Local Improvement Scheme Funding 2024 application details.

10.3.5. A local observer has queried the agricultural viability of the development in terms of the maritime environment and how inhospitable it would be for bees. It is also noted that the lack of shelter in this coastal environment may not support bees to the extent that viable honey production would follow. The applicant's motives for establishing

the business at this location are questioned as being no more than an attempt to secure a dwelling at some point down the line.

- 10.3.6. I note the concerns raised by the planning authority. The applicant has responded and submitted an array of supporting information to demonstrate his business venture. I note that an observer is doubtful of the applicant's intentions and dismisses the applicant's particular farming enterprise as unsuitable for the area.
- 10.3.7. The applicant intends to start a beekeeping enterprise at this location and I can see that the development plan is supportive of rural and farm based enterprises and diversification. I note that the landholding is small, but that there are existing derelict buildings on the site, drawing TT 22 03 01 refers. The new shed is located close to these stone structures, one office type shed is located within, and there are low stone walls in the vicinity. It is unlikely that the overall landholding as it is shown by the applicant would realistically support a more regionally common agricultural enterprise such as drystock farming or crop cultivation. In this respect I note the planning authority tie back development plan policy objectives to existing farm enterprises but I am sure that the current plan generally supports new farm enterprises in rural areas in a variety of forms. For example, policy objective RD 1 supports rural enterprises in terms of on-farm and off-farm activities, whilst AGD 1 and CD 1 both seek to support on farm diversification. It is unfortunate that the applicant did not consider the refurbishment and renovation of the existing structures on the site but in most other respects this holding should be considered as a farm, albeit a very small one.
- 10.3.8. The applicant was under the impression that their development was exempted development, but that turned out not to be the case. An agricultural shed (97 sqm) in a near complete status stands on the site and has the proportions to store various materials and space to process honey. A smaller office type shed (6.8sqm) sits within the ruins of a stone building. On the day of my site visit, in early summer, I observed a single hive at the southern portion of the site. It would appear to me that the enterprise is not fully operational and this is borne out by the empty shed, lack of hives and the estimation of costs due to planning delays. I note the surrounding low undulating landscape and predominance of grassland grazing in the vicinity. There was some iris and probably buttercup close to the sheds, with hedgerows evident further inland to the south. It is not the role of the Commission to consider the

viability of the enterprise that the applicant intends to embark upon, but this is an agricultural area and the applicant's intentions are to rear bees and harvest honey. The applicant has gone to some length to demonstrate their intentions, and the documentation submitted seems to support the development proposal. This is a new enterprise for the applicant at this location. I note that the applicant states that they have been involved in beekeeping since 2003, and is a member of beekeeping associations. More information on the applicant's credentials would have been helpful, but it is not a reason to dismiss the agricultural bona fides of the project. If the enterprise were to fail, then that is a matter for the applicant and an alternative use would have to be found for the structures it is intended to retain. In that respect if permission were to issue, the use of the sheds should be restricted to agricultural uses only and this can be affected by a suitably worded condition.

10.3.9. Whilst beekeeping in coastal areas can present challenging weather conditions that may impact bee health and foraging opportunities, it is not out of the ordinary. In summary, I am satisfied that the proposed development is agricultural in nature and that the development plan supports such an enterprise. Whether the scale of the building it is proposed to retain is acceptable. I considered further in terms of the landscape policy objectives of the development plan.

10.3.10. Landscape Policy - In their submission the planning authority highlight that the most relevant policy objectives and development management standards with respect to landscape include: LCM 1 Preservation of Landscape Character, LCM 2 Landscape Sensitivity Classification, LCM 3 Landscape Sensitivity Ratings, RD 3 Assimilation of Buildings, MCD 2 Pattern of Development along the Coast, DM Standard 46: Compliance with Landscape Sensitivity Designations, DM Standard 13: Agricultural Buildings, DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads, DM Standard 30: Developments on Private Roads and DM Standard 48: Coastal Management and Protection. It is the view of the planning authority that none of these policy objectives and standards have been met because of the scale, design and siting of the shed, its access point and that all of these factors contribute to erode the visual amenity and traffic safety of the area.

10.3.11. In relation to the policy objectives and standards set out above the applicant's main contention is that the shed building is not so substantial a structure that the

planning authority maintain that it is, and it will not impact the visual amenity of the area. The applicant states that the shed is in accordance with DM Standard 13: Agricultural Buildings, and no visual amenity impacts result.

10.3.12. The substitute consent application site is located in an area that is defined as a Coastal Landscape with a sensitivity rating of 3 (special) in the current development plan. According to the Landscape Character Assessment of Galway contained within Appendix 4 of the development plan, the coastal landscape is highly sensitive to change in appearance and character by new development of scale. I have visited the site and viewed the application site from a number of vantage points. The application site is not located close to any residential units, the closest dwelling is more than a 100 metres away. The office type shed contained within the stone ruins is not realistically visible from any viewpoint. However, the larger shed is a noticeable feature in the immediate environs. The shed sits on a raised concrete foundation, a feature to allow air to circulate below. According to the drawings submitted, the larger shed is 8.352 metres in height, as measured from ground level. The shed is clad with steel sheets and dark grey to black in colour. I observed that there is already some development along the coast, of a similar scale as the now completed shed. However, the shed is the last structure along the road at this part of the coast and other development in the vicinity is of a more domestic design. The shed is a noticeable feature from dwellings to the west and from the beach below, this is a result of its gable roof height rather than its overall massing. The shed is not noticeable from the approach road further to the north west and this is as result of the gently undulating character of the wider area. There is no natural screening in and around the shed and even if any were to be proposed, the viability of any screen planting would be very low given the maritime climate that prevails.

10.3.13. The main impact from the shed as it now stands is its overall height when compared to other buildings in the immediate area. The selection of a dark cladding material is not so intrusive, other roofscapes are dark grey to black and I note that agricultural buildings can vary from dove grey to iron oxide red. The applicant has provided images of other sheds in the area. It is the height of the shed that stands out. Older bungalows in the area tend to be around 5 to 7 metres, but I note new two storey housing on inland sites where heights of up to 8.7 metres may be the case.

10.3.14. It is not necessary for the applicant to prepare a Visual Impact Assessment for this development, after all the shed is almost complete and so the visual impact can be readily ascertained. In this regard, I note the prevailing character of the area, it is coastal, low lying with small amounts of domestically scaled and mostly single storey development. The shed is a new feature on the landscape, but it sits close to the ruins of a former building and so from a purely locational point of view, things make sense. I note a newly renovated vernacular shed in the vicinity and this is a very good way of integrating buildings into a sensitive coastal landscape and is to be commended. The applicant could have done likewise and renovated their buildings on the site, subject to the necessary consent, but they did not. In this regard I note that DM standard 17 states that the conversion of existing farm buildings in rural areas for small scale employment purposes will be considered. The applicant could have been more sensitive in terms of the overall height, but given that the visual impact is limited to the immediate environs, I see no reason to seek its reduction.

10.3.15. In broad terms, the applicant has positioned a standard storage shed adjacent to the ruins of a former house/shed and accessed from an existing entrance. The shed is functional and efficient in terms of design and is located close to the ruins of former buildings. The cladding material is agricultural in design and colour and the shed is not located close to any residential unit. I am satisfied the DM Standard 13 has been more or less met by the applicant. I am satisfied that the shed it is proposed to retain, whilst noticeable in the immediate vicinity, will not significantly impact on the landscape value of the wider area to any great extent. Consequently, the particular size of the shed and its design is not of such a scale that I anticipate any adverse impact to this coastal landscape highly sensitive to change in appearance and character from development of scale.

10.3.16. by new development of scale

10.3.17. Traffic and Transport – The applicant proposes to retain an agricultural shed accessed from the end of minor country lane, L11022. The laneway has been recently resurface and provides access to a small number of houses and an informal beach car park. I do not anticipate that the proposed development will result in a perceptible increase in traffic so as to impact upon traffic safety or traffic congestion. I note that the planning authority have referred to policy objectives and development management standards 13 and 30 in particular with reference to access. In this

instance and given the characteristics of the site, the rural location and extremely marginal increase in traffic that would result, it would be unreasonable to refuse permission on the basis on traffic hazard. I am satisfied that no perceptible traffic hazard would result from the development to be retained and this is because of the limited scale and existing access arrangements that pertain.

10.3.18. To summarise, the location and siting of the shed is based on historic precedent for stone buildings in the area and on the site. The impact in landscape terms is marginal and not readily perceptible from a distance. I am satisfied, that the agricultural shed, less than 100 sqm in area, is not of such a scale that it significantly impacts the landscape, residential amenity or create a traffic hazard to such a degree that permission should be refused on that basis.

10.3.19. Conditions – I have considered the 6 conditions advanced by the planning authority and I note the applicant's response. Given the scale of the development, it is proposed to retain and the scope of works already complete, the following examination of relevant conditions is considered reasonable. The development to retain and complete is agricultural in terms of use and so a condition should be attached to restrict use to agricultural purposes, an appropriately worded condition should be attached. I also recommend the attachment of standard conditions to control effluent disposal and water protection, even though it is stated that this is not to be the case. Lastly, a standard section 48 condition should be attached, if it is the case that a development contribution should be levied for this class of development.

10.4. The likely effects on the environment

10.4.1. In terms of Environmental Impact Assessment, having regard to the scale and nature of the development, the likelihood of significant effects on the environment can be excluded for the purposes of EIA, appendix 1 and 2 of my report refers.

10.4.2. The likely significant effects on a European site: Appropriate Assessment

10.4.3. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The remedial Natura Impact Statement
- Appropriate Assessment

10.5. Compliance with Articles 6(3) of the EU Habitats Directive

10.5.1. 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.

10.6. The Remedial Natura Impact Statement (rNIS)

10.6.1. The application was accompanied by a rNIS that described the proposed development, the project site and the surrounding area. A previous application included an AA Screening Report, that concluded no likely significant effect on any designated site, PA ref 21/1097. The rNIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for the single site identified but not in relation to each conservation objective, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects in terms of magnitude but not in relation to the conservation objectives of the designated site identified.

10.6.2. The rNIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial photography and maps.
- A walkover survey of the area, conducted on the 16/04/2024.

10.6.3. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not result in significant effects.

10.6.4. Having reviewed the rNIS and the supporting documentation, including the AA Screening Report, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided

and they are summarised in Section 6 of the rNIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

10.6.5. Appropriate Assessment

10.6.6. I consider that the proposed development of the retention of an agricultural shed is not directly connected with or necessary to the management of any European site.

10.6.7. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests	Distance
West Connacht Coast SAC (Site code 002998) https://www.npws.ie/sites/default/files/protected-sites/amendment_notifications/AN002998.pdf 22nd March 2024	Tursiops truncatus (Common Bottlenose Dolphin) [1349] Phocoena phocoena (Harbour Porpoise) [1351]	60 metres
Aughrusbeg Machair and Lake SAC (Site code 001228)	Oligotrophic to mesotrophic	370 metres

European site (SAC/SPA)	Qualifying Interests	Distance
<p>https://www.irishstatutebook.ie/eli/2021/si/474/made/en/pdf</p> <p>15th September, 2021.</p>	<p>standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p>	

10.6.8. Based on my examination of the rNIS report and supporting information (including AA Screening Report dated April 2021), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for West Connacht Coast SAC (Site code 002998) of the two European sites referred to above. There is a remote possibility of indirect impacts that should be examined further.

10.6.9. The remaining site can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a

substantive linkage between the proposed works and the European site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider 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 European Site Aughrusbeg Machair and Lake SAC (Site code 001228) in view of the site conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

Relevant European sites

10.6.10. The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
1. West Connacht Coast SAC (Site code 002998)	Tursiops truncatus (Common Bottlenose Dolphin) [1349]	60 metres
	Phocoena phocoena (Harbour Porpoise) [1351]	As above

West Connacht Coast SAC (Site code 002998)

10.6.11. Description of site (taken from the site synopsis): This site consists of a substantial area of marine waters lying off the coasts of Counties Mayo and Galway in the west of Ireland. Comprising two parts, in its northern component the site extends from the coastal waters off Erris Head westwards beyond Eagle Island and the Mullet Peninsula in Co. Mayo. From there it extends southwards immediately off the coast as far as the entrance to Blacksod Bay. In its southern component, the site stretches from Clare Island and the outer reaches of Clew Bay at Old Head and continues southwards off the Mayo coast to the Connemara coast near Clifden and Ballyconneely, Co Galway. Predominantly coastal in nature, the site extends westwards into Atlantic continental shelf waters up to approximately 7-11 km from the mainland, although in its southern component it remains mostly inshore of the main islands: Clare Island, Inishturk, Inishbofin and Inishshark. Its area contains

subtidal waters fringing these and other islands, as well as islets and rocky skerries off the Co. Mayo and Co. Galway coasts.

10.6.12. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[1349] Bottle-nosed Dolphin (*Tursiops truncatus*)

[1351] Harbour Porpoise (*Phocoena phocoena*)

10.6.13. The site encompasses a diverse range of shallow marine habitats occurring in waters less than 100 m deep. These include a variety of seabed structures including reefs, islets and sedimentary basins. The site contains physical and hydrographic features believed to be important for Bottle-nosed Dolphin, one of two cetacean species listed on Annex II of the E.U. Habitats Directive. These features include shallow coastal bays, areas of steep seafloor topography and complex areas of strong current flow adjacent to estuaries, coastal headlands and islands, sandbanks, shoals and reefs. Its area borders existing designated sites for protected species and habitats, and lies adjacent to a wide array of coastal features including sheltered bays, estuaries, coastal cliffs and sea caves, several of which are located within protected sites.

10.6.14. Bottle-nosed Dolphin occurs within the site in all seasons and the area comprises a key habitat for the species both regionally and within Irish waters as a whole. Survey data show that Bottle-nosed Dolphin occurrence within the site compares favourably with another designated site in Ireland, the Lower River Shannon. Local population estimates off south-west Co. Mayo and Connemara, Co. Galway describe a minimum of 123 dolphins, with possibly up to 150-200 individuals or more, occurring within the site as a whole, exceeding estimates for the Shannon Estuary population. Significant structural linkages have been established between groups of dolphins utilising various coastal habitats within the site, while a high proportion of individuals within this Bottle-nosed Dolphin community have been shown to range freely within its coastal waters. Analyses of genetic structure also show a fine scale distinction between dolphins sampled within the site and animals sampled at the Shannon Estuary or nationally.

10.6.15. Sighting records of Bottle-nosed Dolphins via coastal and boat-based observations from the Mullet Peninsula and outlying islands, outer Clew Bay, Clare Island, Roonagh, outer Killary Harbour, Ballynakill Harbour and west Connemara are significant for the west coast of Ireland and indicate widespread use of the area by individual groups of dolphins. Groups are known to alter their composition or to aggregate together within the site and comparatively high group sizes of up to 50-65 individual dolphins or more have been recorded in the site's northern and southern components. Adults closely accompanying calves are commonly observed in summer and autumn months at a number of locations within the site, and group foraging, resting or social behaviour are also regularly recorded. Individual dolphins are also known to recur within and between years at key locations within the site (e.g., outer Killary Harbour, off the Mullet Peninsula), indicating a degree of site fidelity to its coastal waters.

10.6.16. The waters of the West Connacht Coast represent an exceptional area of key conservation importance for Bottle-nosed Dolphin in Ireland.

Conservation Objectives

10.6.17. The conservation objectives for the West Connacht Coast SAC (Site code 002998), include:

To maintain the Favourable conservation condition of Common Bottlenose Dolphin in West Connacht Coast SAC, which is defined by the following list of attributes and targets:

- Species range within the site should not be restricted by artificial barriers to site use.
- Human activities should occur at levels that do not adversely affect the Bottlenose Dolphin population at the site.

To maintain the Favourable conservation condition of Harbour Porpoise (*Phocoena phocoena*) in West Connacht Coast SAC, which is defined by the following list of attributes and targets:

- Species range within the site should not be restricted by artificial barriers to site use.

- Human activities should occur at levels that do not adversely affect the Harbour Porpoise community at the site.

Potential direct effects:

10.6.18. None – the site is not directly linked to the designated site and there is no meaningful hydrological connection. There will be no production of waste from the development once complete and surface water from roofs will infiltrate to ground through a soak pit.

Potential indirect effects:

10.6.19. None – the site is not directly linked to the designated site and there is no meaningful hydrological connection. There will be no production of waste from the development once complete and surface water from roofs will infiltrate to ground through a soak pit. A small drainage channel intersects the area (indicated at FW4, figure 5 Habitat Map of the rNIS), however, there is no production of waste from the development and consequently no potential for pollutants to enter the SAC. Construction methods included: use of inert local sourced stone for site access and building platform, foundation works included the use of erosion prevention screening, to prevent silt and other run-off, the structure was prefabricated and erected on site and no discharges result from the structure other than rain water run off to a soak pit, drawing TT 22 03 05 refers. For construction methodology note photographs included at section 3.4 of the rNIS. Post construction methods include the attachment of cladding, almost complete and internal fit out.

Potential in-combination effects:

10.6.20. None – the site is not directly linked to the designated site and there is no meaningful hydrological connection. There is no production of waste from the development. Other plans and projects have been considered and there are no meaningful in-combination effects to be considered.

Mitigation measures:

- 1) The NPWS Farm Plan Scheme (Piaras O Giobuin of the Agri ecology unit) is remedial in its intent and will result in an enhanced environment to positive effect.
- 2) Control of the invasive species Gunnera should continue until eliminated as outlined in the NPWS Farm Plan.

- 3) Measures which have the potential to prevent, reduce or offset adverse effects which are not considered significant but where it is considered that such measures are appropriate are also identified.
- 4) Mitigation Measures for non-significant effects.

The project is confined to the existing site area. Excavation was minimal confined to the building pillars, 8 in all. There is no soil stock piled. No further excavation required.
- 5) There appears to be no change to the land drain after installation of a pipe to renew a culvert over which the approach laneway crosses. This did not lower the watertable in the adjacent meadows. Out of necessity for health and safety (as described in welfare_facilities_csp1-2.pdf), there will be a chemical/composting toilet for on-site workers' convenience (of cartridge type found in caravans, for example). This would be emptied at a sanitation facility on an as-needed basis. There will be no waste products discharged locally. Any potentially hazardous substances will be handled per DAFM guidelines.
- 6) The area where the building is positioned is dry. There is no evidence of soil contamination.
- 7) There is no loss of any qualifying interest habitat within the project area itself.

There is no evidence of any protected species on site. The approach area supports a naturally generated grassland habitat. The area around the unfinished building is regenerating grass habitat naturally. It is a relatively quiet area with a defined route. And it is close to the coast. Remedial and mitigation measures should include natural re-colonisation of areas of bare ground, retention of remaining semi-natural areas outside of the construction area. Elimination of invasive Gunnera tinctora should continue as per the NPWS Farm Plan. Refer to the NPWS Farm Plan The proposed project is unlikely to have had or to have in the future an indirect impact on any mammal species locally.
- 8) The proposed project area lies within a landscape of High Value. A ruined stone building and small stone shed store is already a feature of the Landscape on the site. The proposed new building is higher. Impacts on views can be minimised with building design. There is no predicted effect from the discharge of any waste from the proposed building.

9) Loss of vegetation was short term as the approach lane has greened with the regeneration of natural grasses. A local Authority grant was attained to upgrade the approach lane. Landscape any bare areas with native flora.

10) Generation of dust emissions are not likely.

Residual effects:

10.6.21. The significance of effects is considered in Table 1 of the rNIS. The project is limited in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. There is no proposal to produce any waste on the site. In the context of the NPWS Farm Plan the ecological quality of the site and plot area it is stated that this will enhanced with the maintenance of the surrounding wet grassland habitat, stone walls, control of invasive species and establishment of native honeybee colonies.

10.6.22. rNIS Omissions - None. The overall application file contains all relevant material to allow a complete analysis.

10.6.23. Suggested related conditions - Standard condition with reference to the implementation of the measures outlined above.

10.6.24. Conclusion: I am satisfied satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above.

Appropriate Assessment Conclusion

10.6.25. Having regard to the proposed retention and the completion of an agricultural shed of 97 sqm and retention of a smaller 6.8 sqm shed, I consider that it is reasonable to conclude on the basis of all the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site West Connacht Coast SAC (Site code 002998) or any other European site, in view of the site's Conservation Objectives.

11.0 Recommendation

On the basis of the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and noting that standard and limited measures are set out in the rNIS.

12.0 Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the West Connacht Coast SAC (Site code 002998).
- (e) the policies and objectives of the Galway County Development Plan, 2022-2028,
- (f) the nature and limited extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
and
- (i) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the West Connacht Coast SAC (Site code 002998), is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Commission considered the remedial Natura Impact Statement and associated documentation submitted with the application for approval, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the West Connacht Coast SAC (Site code 002998), in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the absence of any requirement for significant mitigation measures as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

Having regard to:

- The Galway County Development Plan 2022 – 2028,
- The planning history of the site,
- The submitted remedial Natura Impact Statement

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 any mitigation measures set out in the Remedial Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Remedial Natura Impact Statement submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

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

(b) The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

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

4. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

(b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.

(c) Where a third party removes the slurry or manure , the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled 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. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

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: In the interest of environmental protection and public health.

6. 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 Coimisiún 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

01 September 2025

14.0 Appendix 1 - Environmental Impact Assessment (EIA) Pre-Screening

An Bord Pleanála	ABP-320009-24		
Case Reference			
Proposed Development	Retention and completion of an agricultural shed and storage unit.		
Summary			
Development Address	Rossadillisk, Co. Galway.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓ proceed to Q2.	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 1. May also include Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and Class 10 (dd) of Part 2 relating to private roads in the form of driveways.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			

No	✓	<p>Part 2, Class 1.</p> <p>May also include:</p> <p>Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and</p> <p>Class 10 (dd) of Part 2 relating to private roads which would exceed 2000 metres in length.</p>	Proceed to Q4
----	---	---	---------------

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

Yes	✓	<p>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.</p> <p>Class 1(a) of Part 2 (rural restructuring / hedgerow removal), no re-contouring, site is well below 5 hectares and farming related activities relate to existing.</p> <p>Class 10(dd) of Part 2 relating to private roads which would exceed 2000 metres in length.</p> <p>Development driveway amounts to less than 25 metres, far less than the threshold of 2,000 metres.</p>	Preliminary examination required (Form 2)
-----	---	--	---

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

15.0 Appendix 2 - Environmental Impact Assessment (EIA) Preliminary Examination

An Bord Pleanála Case Reference	ABP-320009-24
Proposed Development Summary	Retention and completion of an agricultural shed and storage unit.
Development Address	Rossadillisk, Co. Galway.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Development comprises the completion of an agricultural shed of 97 sqm and retention of a smaller 6.8 sqm shed, it is considered that there are no environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	Development comprises the completion of an agricultural shed of 97 sqm and retention of a smaller 6.8 sqm shed,

<p>abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>there are no environmental sensitivities in terms of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources and the absorption capacity of the natural environment.</p>	
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Development comprises the completion of an agricultural shed of 97 sqm and retention of a smaller 6.8 sqm shed, there is not likely to be significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation.</p>	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>	<p>No EIA is not required.</p>

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No, Schedule 7A Information is not required.
There is a real likelihood of significant effects on the environment.	EIAR required.	No, an EIAR is not required.

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)