



An  
Bord  
Pleanála

## Inspector's Report ABP-320607-24

<b>Development</b>	<i>Permission for a period of 5 years for the placement of two mobile sauna units and two associated changing units. Gross floor space of proposed works 28.8 sq. m</i>		
<b>Location</b>	<i>Rinville West, Oranmore, Co. Galway.</i>		
<b>Planning Authority Ref.</b>	<i>2460651.</i>		
<b>Applicant(s)</b>	<i>Liam Irwin.</i>		
<b>Type of Application</b>	<i>Permission</i>	<b>PA Decision</b>	<i>Refuse.</i>
<b>Type of Appeal</b>	<i>First Party</i>	<b>Appellant</b>	<i>Liam Irwin</i>
<b>Observer(s)</b>	<i>Deirdre Toohey</i> <i>Henry Barrett</i>		
<b>Date of Site Inspection</b>	<i>03-10-2024</i>	<b>Inspector</b>	<i>Adam Kearney</i>

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## Context

### 1. Site Location/ and Description

The unbounded gravelled site is located in the townland of Rinville West immediately south of the L-81043 and south of the Sailing Club. The area of site earmarked for the proposed units is generally level with the local road and existing hardstanding parking area adjacent but gradually falls away in a southerly direction toward the shore. There is a public pier north-east with associated parking and an area of same was cordoned off during my visit for maritime use further limiting parking opportunity for visitors many of whom I assume choose to park 400m east in the designated parking area for Rinville Park.

**2. Description of development.** Permission is sought for a period of 5 years for the placement of two mobile sauna units and two associated changing units. Gross floor space of proposed works 28.8 sq. m

### 3. Planning History

Nothing of relevance specific to site

Nearby: Planning Ref 23/60081 – grant of permission for retention of coffee kiosk.

### 4. National/Regional/Local Planning Policy

#### Planning System and Flood Risk Management Guidelines 2009

key principles:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process. An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

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

The site is located in the

- Galway Rural Metropolitan Area,
- Coastal character area and a semi-enclosed coast seascape and within an area of Special Sensitivity and Landscape Value 3.

### **Section 4.13 - Commercial Developments in Rural Areas**

acknowledges that 'Rural businesses and enterprises are an important source of local employment in the County'. Many examples of fine rural businesses exist throughout the County. This includes agricultural, equine, In the first instance, new employment related developments are directed to settlements where services are available, and lands have been identified for employment uses.

#### **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.

#### **CD 1 Rural Enterprises:**

Consider the establishment of small scale rural orientated enterprises in unserviced rural areas outside of town or village settings which can be accommodated in existing farm buildings or can be established on a brownfield site, subject to satisfying the following criteria: Compatibility and general suitability to an unserviced rural area (primary consideration will be given to agriculture, renewable and marine resources, forestry, tourism, recreation or food production related enterprise activities and services); Scale of development (assimilate appropriately into a rural setting); Nature of development (raw materials sourced locally); Consideration of social and environmental impacts (enterprise must not have a significant adverse impact on the environment or rural amenity); The

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

### **Policy NHB 1 – Natural Heritage and Biodiversity**

It is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network.

### **Policy FL 1– Flood Risk Management and Assessment**

It is the policy objective of Galway County Council to support, in co-operation with the OPW, the implementation of the EU Flood Risk Directive (2007/60/EC), the Flood Risk Regulations (SI No. 122 of 2010) and the DEHLG/OPW publication The Planning System and Flood Risk Management Guidelines (2009) (and any updated/superseding legislation or policy guidance) and Department Circular PL2/2014 or any updated / superseding version.

### **FL 2 Flood Risk Management and Assessment**

Comply with the requirements of the DoEHLG/OPW The Planning System and Flood Risk Management Guidelines for Planning Authorities and its accompanying Technical Appendices Document 2009 (including any updated/superseding documents).

### **FL 3 Principles of the Flood Risk Management Guidelines**

The Planning Authority shall implement the key principles of flood risk management set out in the Flood Risk Management Guidelines as follows:

- (a) Avoid development that will be at risk of flooding or that will increase the flooding risk elsewhere, where possible;
- (b) Substitute less vulnerable uses, where avoidance is not possible; and
- (c) Mitigate and manage the risk, where avoidance and substitution are not possible. Development should only be permitted in areas at risk of flooding when there are no alternative, reasonable sites available in areas at lower risk that also meet the objectives of proper planning and sustainable development. Vulnerable development in areas which have the highest flood risk should be avoided and/or

only considered in exceptional circumstances (through a prescribed Justification Test) if adequate land or sites are not available in areas which have lower flood risk.

### **LCM 1 Preservation of Landscape Character**

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.

### **LCM 2 Landscape Sensitivity Classification**

The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan.

### **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.

## **Chapter 15 - Development Management Standards**

### **DM Standard 46: Compliance with Landscape Sensitivity Designations**

Subject to the provisions of the plan but in particular the settlement policies of Chapters 2, 3 & 4 and the consequent restriction on development in rural areas, the control of permissible development shall be in accordance with the policies as they relate to the four sensitivity classes of landscape in Section 8.13.2 of this plan. It will deem the following types of development generally to be acceptable in the various areas of sensitivity as follows:

**Class 3** – Special Restricted to essential residential needs of local households, family farm business and locally resourced enterprises (subject to site suitability and appropriate scale and design) including those with substantiated cases for such a specific location and which are in compliance with settlement policies.

#### **DM Standard 48: Coastal Management and Protection**

The following requirements shall be considered and applied where appropriate with respect to coastal management and protection:

a) **Natural Processes** Where possible, developments shall ensure that the landward migration of coastal features, such as dunes and marshes, shall be facilitated as these features form an integral part of the coastal system – both physically and ecologically - and provide protection against wave energy through dissipation.

#### **b) Sea Level Change and Flooding**

New developments shall generally comply with the following approach to coastal management for sea level change:

- No new building or new development within 100m of 'soft' shoreline;
- No further reclamation of estuary land;
- No removal of sand dunes, beach sand or gravel;
- All coastal defence measures to be assessed for environmental impact.

#### **c) Coastal Edge:**

In addition to the above, a general minimum horizontal setback of 30m from the foreshore field boundary line, for new development, or along the 3m natural contour line, whichever is the greatest, is to be created. Any planning applications within this setback must demonstrate that any development would not be subject to potential rising sea levels as a result of climate change including global warming and must address any issues with regard to rising sea levels, with regard to the siting of any development. New developments should not restrict opportunities for providing public access to the foreshore. The coastal edge and coastal habitats shall be protected from destruction and degradation to ensure their roles as ecological corridors, coastal flooding and storm surge buffers are retained and

enhanced, and developers proposing developments in the vicinity of this area will be requested to carry out an ecological plan that incorporates the natural vegetation and topography of the area. All plans and projects shall have regard to and be in accordance with the provisions of the National Marine Planning Framework.

**DM Standard 49: Mariculture**

The following details shall be required as part of a planning application where appropriate with respect to coastal management and protection;

The capacity of the shoreline to absorb its onshore facilities;

- Access roads;
- Car parking;
- Scale of traffic and size of vehicle using facility;
- Turning space required;
- Impact of traffic on public road;
- Waste disposal i.e. reject produce;
- Slipways;
- Moorings;
- Lighting;
- Cranes;
- Amenities in the area; and
- Any visual aids necessary to measure the impact.

Development effecting the coast must comply with the Policy Objectives set out in Chapter 9 Marine and Coastal Management.

**DM Standard 50: Environmental Assessments**

The following measures shall be applied in respect of designated environmental sites:

**a) Appropriate Assessment**

Screening for Appropriate Assessment and/or Appropriate Assessment will be required with all applications where it is considered that the proposed development may impact (directly and indirectly), or in combination with other projects, on a Natura 2000 designated site i.e., a Special Area of Conservation (SAC) or a Special Protection Area (SPA).

## **5. Natural Heritage Designations**

Within the Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268), and the Inner Galway Bay Special Protection Area (SPA) (Site Code: 004031).

## **Development, Decision and Grounds of Appeal**

### **6. PA Decision.**

#### **Refused for the following 5 Reasons;**

1. Based on the information received with the application and noting the concerns raised in the submissions and further having regard to the potential for the requirement of the applicant to hold a Maritime Area Consent (MAC) for works along the foreshore and within the high water mark, the planning authority is not satisfied that the applicant has sufficient legal interest to access the development site as indicated in the application details. It is considered that the works proposed cannot be implemented under the current planning application, as per Section 34(4)(a) of the Planning and Development Act 2000 (as amended), as such development works are outside the control of the applicant.
2. Based on the information submitted and the plans and particulars received and having regard to the lack of detail with regard to frequency and types of traffic movements associated with the proposed development, the proposed site entrance is deemed unsatisfactory owing to the absence of sight distance visibility being demonstrated, the absence of any auto track analysis relation to vehicles entering and exiting the subject site. Furthermore, the potential for turning movements generated by the proposal from the roadway serving the site and the junction of this roadway with the L-81043 are potentially hazardous in the absence of any assessment being carried out as part of the submitted plans and particulars and the absence of surface water management and any runoff measures. It is therefore considered that the entrance to the site would be in contravention to OM Standard 28, OM standard 33(a) and Policy Objective NNR2 safeguard regional and local roads



of the Galway County Development Plan 2022-2028. It is considered that, if permitted as proposed, the development would interfere with the safety and freeflow of traffic on the public road and would endanger public safety by reason of traffic hazard, obstruction of road users, or otherwise. and therefore, would be contrary to the proper planning and sustainable development of the area.

3. Having regard to: The location of the subject site within Inner Galway Bay SPA (Site Code: 004031) and the Galway Bay Complex SAC (Site Code: 000268): The hydrological connectivity of the subject site directly with the Inner Galway Bay SPA (Site Code: 00403 1) and the Galway Bay Complex SAC (Site Code: 000268). The nature, scale and location of the proposed development within the receiving environment which is an environmentally complex and sensitive area; The absence of sufficient details regarding the operational management of the proposed facility and the potential for mismanagement of same, The Planning Authority consider that adverse impacts on the integrity of and other European sites in view of their conservation objectives cannot be excluded. Therefore, if permitted as proposed the development would materially contravene Policy Objectives NHB 1, NHB 2 and NHB 3 and DM Standard 50 of the Galway County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
4. The subject site is located in a Class 3 Special Landscape designation within a designated Scenic Viewpoint where new developments should be appropriately designed and integrated. Based on the details as submitted, the Planning Authority consider that the proposal would not assimilate satisfactorily into the landscape, would establish an undesirable precedent for similar future developments in the area, and would form a visually obtrusive feature thereon if permitted as proposed and would contravene the principles of proper planning and sustainable development. The proposed development would therefore seriously injure the amenities of the area. contravene Policy Objective LCM1 Preservation of Landscape Character, LCM2 Landscape Sensitivity Classifications, LCM3 Landscape Sensitivity Ratings and OM Standard 46 of the Galway County Development Plan 2022 – 2028

5. The site of the proposed development is located within a flood risk area and therefore the Planning Authority has serious concerns regarding the proposed development, in the absence of a Site-Specific Flood Risk Assessment being carried out and satisfactory evidence of surface water management. Therefore, the Planning Authority are not satisfied that the proposed development would not be at risk of flooding in the future or that the proposed development would not exacerbate flooding elsewhere. It is considered that the proposed development would be contrary to Policy Objective FL 2 and Policy Objective FL 3 of the Galway County Development Plan 2022-2028, and the Planning System and Flood Risk Management Guidelines 2009 and would set an undesirable precedent for similar future developments and would therefore be contrary to the proper planning and sustainable development in the area.

**7. First Party Appeal. Grounds:**

- The applicant had a letter of consent from the Landowner which is Galway Bay Sailing Club and is contained within Folio GY29375. The development is above the High-Water Mark and the development does not qualify as a 'relevant project' under the Foreshore Act.
- The development is at such a small scale the traffic generated by development is minimal. Visitors will not be brought to the site specifically for sauna and it is just an add on to the existing facilities and amenities of the area. Cars will be able to use existing public parking in the area and no HGV traffic will be generated
- The planning authority has failed to recognize the extremely limited scale of the development, the use of the development and the temporary nature of the development
- The units are 'tucked in' behind an existing 1.4m high cast in-situ concrete pier wall so only part of the units are visible. The pier is a semi commercial area
- The applicant has acknowledged that the development is in an area that is liable to flood. The units are removable at short notice.
- The applicant was awarded the contract to by the sailing club to run this business

- Another sauna has begun operating on the pier without permission and believes submission are connected to this and will be reported to the Local Authority

## 7.1 Observations

### Deirdre Toohey

- Recounts the damage in the area from Storm Debbie including imagery
- Questions the safety and accessibility when forced to remove the units
- Concerns raised about disturbance to shore gravel unless tarmac or concrete is used
- Safety issue if the units are blocking views of swimmers and boats that may be in difficulty from the car park
- Notes the diversity of wildlife

### Henry Barrett

- Within a SAC and SPA area
- Questions the business viability unless traffic is actually generated
- Impacts a longstanding viewing area
- Questions if the units can be removed as short notice
- Rejects assertion that objections were made to support the existing mobile sauna operator

## 8. PA Response

- None

## Environmental Screening

### 9. EIA Screening

Having regard to the nature and scale of the development, small scale recreational structures in a rural area, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

## **2.0 Assessment**

2.1. I have visited the site and reviewed the appeal content, application documents and drawings and the main planning issues that present are

- Maritime Consent
- Principle of Development in a Sensitive Coastal Area
- Flood Risk
- Traffic
- Visual Impact
- Appropriate Assessment

### **2.2. Maritime Consent**

The Planning Authority contend a Maritime Area Consent (MAC) may be required due to the location of the proposed development. A MAC is required prior to a planning application to the coastal local authority. Only MAC holders can apply for development permission in the maritime area. The development location of the Saunas can be categorised as straddling the area between the foreshore and the landside area where the Local Authority alone have jurisdiction. The PA have put the onus on the applicant to ascertain the location. This is an unusual situation but having visited the site I would consider that a MAC is not required given that the level of the site is consistent more or less with the level of the local road and as such would be above the high tide mark save for episodes of flooding which would be considered occasional events and where such tidal levels would not be recorded as high tide marks.

### **2.3. Principle of Development in a Sensitive Coastal Area**

2.4. The location of the proposed development is an attractive rural coastal area with a maritime tradition with fishing and leisure craft evident and an area popular with walkers and sea swimmers. On the day of my visit, I noted people operating from the boot of a car while preparing for a swim. The sailing club undoubtedly has facilities but is a private entity. There is a coffee kiosk operating on the sailing club side/landside of the local road and this was hosting a number of patrons during my time in the area.

- 2.5. From submission received by the PA there is a view that the sauna units on the shore side of the road are an unwelcome intervention in terms of commercial activity and that the saunas could serve to attract another additional cohort of visitor that would have follow on or unintended consequences in terms of traffic congestion and environmental impact.
- 2.6. While the principle of limited commercial activity at leisure coastal areas is acceptable in principle, I believe the site location in this instance is problematic being shore side of the local road in an area manifestly shore like in character albeit there is ownership title and a folio for the subject lands.
- 2.7. While I am satisfied in general with the principle of this type of development at this location I believe an alternative site location landside of the local road and within the Sailing Club curtilage where hardstanding already exists would entail less intervention in terms of impact on the receiving environment and the protected sites
- 2.8. **Flood Risk**
- 2.9. The proposed site is within an area with the potential for periodic flooding. The applicant states the units are easily removed should there be a threat of flood. The drawings are not site specific or sufficiently detailed with regard to the proposal. The 'company profile' document that accompanies the application sets out the company's existing sites around the country and some details about the plan for the Rinville facility.
- 2.10. It is stated that the structure will be on wheels and thereby allowing the units to be removed expeditiously in the event of adverse weather. However, the plans show units placed on concrete slab paving. While the proposed use is not vulnerable *per se* it would be impractical and ill advised to allow the placing of any structure with a three-phase electrical connection at a shoreline location that could be impacted at any given time by flooding.
- 2.11. The application is not accompanied by a site-specific FRA and as such the development proposed is in contravention Policy Objectives FL1, FL2 and FL3 of the Galway County Development Plan 2022 – 2028 and S28 Ministerial Guidance: Planning System and Flood Risk Management Guidelines 2009.
- 2.12. **Traffic**

2.13. Without any meaningful data presented with regard to the construction and operation of the commercial activity it is difficult to quantify the proposal in terms of traffic volumes. Having visited the area I would suggest the area is already congested in terms of the potential for parking and that any additional commercial activity of scale could have a negative impact.

2.14. I do however believe that the introduction of the Saunas would not act as a significant 'pull factor' and akin to the coffee kiosk nearby is intended to compliment and serve the existing visiting cohort. I do not therefore concur with the PA that there is serious traffic implications associated with the proposal.

#### 2.15. **Visual Impact**

2.16. While the proposed units are shore side of the local road, the scale and form of the units is modest in scale and when juxtaposed beside a concrete pier and hardstanding parking area any significant impact is mitigated. I do not concur with the Planning Authority's view that proposed sauna units would be visually obtrusive or seriously injure the amenities of the area.

#### 2.17. **Appropriate Assessment**

#### 2.18. **AA Screening**

I have considered the proposal in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located beside the local public road and adjacent and partially within the shoreline and within 2 No. European Sites, namely Galway Bay Special Area of Conservation and Inner Galway Bay Special Protection Area.

The proposed development seeks a 5-yr temporary permission for 4 no. timber structures mounted on concrete paving to be used as changing rooms and saunas on an area of land that is proximate to/within the shoreline area

#### **European Sites**

2 No. of European sites are located within a potential zone of influence of the proposed development. These are:

European Site	Qualifying Interests	Distance	Connections
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Galway Bay Complex Special Area of Conservation (SAC) (Site Code: 000268)	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>[1140] Coastal lagoons</p> <p>[1150] Large shallow inlets and bays [1160]</p> <p>Reefs [1170] Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>[6210] Calcareous fens</p>	0 km	<p>Yes. Potential to cause deterioration in water quality during construction when excavating to provide electricity and water connections to the site under the local road from the sailing club and during operation arising from contaminants that may arise from cleaning between groups potential to adversely impact upon habitats/species within Galway Bay.</p>
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	<p>with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>[7210] Alkaline fens</p> <p>[7230] Limestone pavements [8240] <i>Lutra lutra</i> (Otter) [1355] <i>Phoca vitulina</i> (Harbour Seal) [1365]</p>		
<p>Inner Galway Bay (Special Protection Area) (Site Code: 004031)</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus</i></p>	0 km	<p>During the construction phase there is potential for surface water runoff from site works to temporarily discharge to the SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from excavation and other construction activities and also from the release of</p>



	<p>vanellus) [A142] Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Sandwich Tern (Sterna sandvicensis) [A191]</p> <p>Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]</p>		<p>hydrocarbons.</p> <p>Flood Risk for this site is also an issue, there is a risk of mobilisation of contaminants from the site that may impact water quality within the SPA</p>
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I have only included those sites with any possible ecological connection or pathway in this screening determination. During the construction phase there is potential for surface water runoff from site works to temporarily discharge to the SAC and SPA.

There is the potential for the water quality pertinent to these European Sites to be negatively affected by contaminants, from excavation and other construction activities and also from the release of hydrocarbons and from contaminants associated with frequent cleaning between groups while in operation.

Flood Risk for this site is also an issue, there is a risk of mobilisation of contaminants from the site that may impact water quality within the SAC and SPA

Likely significant effects on the European site(s) in view of the conservation objectives

- Impacts on water quality.
- Reduction in habitat area, habitat degradation or fragmentation
- Disturbance to species, reduction in species population and density
- Changes in ecological functions or features necessary for qualifying interests e.g. decreased water quality and effects on freshwater species
- Interference with key interactions that define the structure and function of the site e.g., spread of invasive species

In the absence of further detailed information / analysis it is not possible to come to a finding of no significant effects and therefore further detailed assessment is required i.e. appropriate assessment.

### **Overall Conclusion**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the details submitted with the application, I conclude that the proposed development has the potential to impact on the integrity of Galway Bay SAC (Site Code 000268) and Inner Galway Bay SPA (Site Code and due to insufficient environmental reporting there is uncertainty as to significance of effects which therefore require further detailed assessment as part of AA

## **3.0 Recommendation**

- 3.1. I recommend that permission for the development be Refused for the following Reasons and Considerations.

## **4.0 Reasons & Considerations**

- 4.1. Having regard the location of the subject site within Inner Galway Bay SPA (Site Code: 004031) and the Galway Bay Complex SAC (Site Code: 000268). The hydrological connectivity of the subject site directly with the Inner Galway Bay SPA (Site Code: 004031) and the Galway Bay Complex SAC (Site Code: 000268) and on the basis of the submissions made in connection with the planning application and

the appeal and the potential hydrological pathway to the Special Area of Conservation and Special Protection Area, the Board, is not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would be likely to have a significant effect on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031), in view of the site's conservation objectives the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.2. Having regard to the flood risk and in the absence of a Site Specific Flood Risk Assessment the proposed development would be contrary to Policy Objective FL1, FL 2 and FL 3 of the Galway County Development Plan 2022-2028, and the Planning System and Flood Risk Management Guidelines 2009 and would set an undesirable precedent for similar future developments and would therefore be contrary to the proper planning and sustainable development in the area.
- 4.3. 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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*Name: Adam Kearney*

*Planning Inspector*

*Date: 14-11-2024*

# Appendix 1

## Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>			
<b>Case Reference</b>	<b>ABP-320607-24</b>		
<b>Proposed Development Summary</b>	Permission for a period of 5 years for the placement of two mobile sauna units and two associated changing units. Gross floor space of proposed works 28.8 sq. m		
<b>Development Address</b>	Rinville West, Oranmore, Co. Galway		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	<b>X</b>		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		NA	EIA Mandatory EIAR required

<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>		<b>NA</b>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

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