



An
Coimisiún
Pleanála

Inspector's Report

PL-500130-GY

Development	Planning permission for 1) demolition works to existing sheds (92 square metres) and existing boundary walls 2) extension and reconfiguration of existing car park with the addition of 14 extra car parking spaces bringing the total car parking spaces on site to 98 spaces, including 20 electric vehicle charging spaces, 5 disabled spaces and 6 parent and child spaces 3) alterations to the existence entrance/exit onto Dominic Street to include the closure of one exit and enlargement of second exit from 6 metres to 8 metres wide, addition of an entrance only access from Clonfert Avenue with pedestrian crossing 4) site works to include 2 metre high boundary wall, kerbing, footpaths, surfacing, associated drainage and installation of traffic management line marking.		
Location	O Meara's Supervalu, Clonfert Avenue and Dominic Street, Portumna, County Galway.		
Planning Authority Ref.	24/61297		
Applicant(s)	Lough Derg Vintners Ltd.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Lough Derg Vintners Ltd.
Observer(s)	None		
Date of Site Inspection	30/01/26	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located within Portumna town centre with vehicular access from Dominic Street, located to the south of the appeal site and pedestrian access (via the Supervalu supermarket) from Clonfert Avenue to the north of the appeal site. The appeal site has frontage onto both of these streets and comprises the established, permitted and operational O'Mearas Supervalu supermarket and a large area of surface car parking to the east and south of the supermarket. The site comprises an area of 0.88 hectares.

1.2 The appeal site centrally located within the settlement of Portumna. There are a number of commercial and residential properties located further east and west of the appeal site along Clonfert Avenue and residential properties further east and west along Dominic Street. Site levels within the appeal site fall gradually from 38.8 metres OD in the north-west of the site to 35.67 metres OD in the south-east of the site. Immediately east and south-east of the supermarket building is a large area of surface car parking which is presently accessed from two vehicular access points from Dominic Street. There is an electricity substation located along the eastern site boundary within the surface car park area. There is a low walled boundary (approximately 1.2 metres in height) located along the northern site boundary (facing onto Clonfert Avenue) inside of which is an area of wasteland and containing some small outbuildings which are proposed to be removed under the current proposals.

2.0 Proposed development.

Planning permission is sought for the extension and reconfiguration of the surface car parking area and associated site works comprising the following:

- Demolition works to existing sheds (92 square metres) and existing boundary walls,
- Extension and reconfiguration of existing car park with the addition of 14 extra car parking spaces bringing the total car parking spaces on site to 98 spaces, including 20 electric vehicle charging spaces, 5 disabled spaces and 6 parent and child spaces,

- Alterations to the existence entrance/exit onto Dominic Street to include the closure of one exit and enlargement of second exit from 6 metres to 7 metres wide, addition of an entrance only access from Clonfert Avenue with pedestrian crossing.
- Site works to include 2-metre-high boundary wall, kerbing, footpaths, surfacing, associated drainage and installation of traffic management line marking activities.

2.1-The applicants submitted the following information as part of their further information response to the Planning Authority on the 2nd day of September 2025; A cover letter; landscaping and drainage details; bicycle shelter details; public lighting report and layout; a bat and bird survey report; A combined Stage 1 and 2 Road Safety Audit and a statement of compliance with the principles and guidance as set out within DMURS.

3.0 Planning Authority's Decision:

The Planning Authority refused planning permission for the extension and reconfiguration of the surface car parking area and associated site works associated with the Supervalu supermarket for the following reasons:

1-On the basis of the information include with the planning application and as provided at the further information stage, whilst having regard to consideration of DM Standard 28, DM Standard 33(a) and DM Standard 67 of the County Development Plan and Transport policy objectives NR1, NR3 and NNR 2 in relation to safeguarding the safety, impact and carrying capacity of the local road network of the Galway County Development Plan 2022-2028, it is considered that the revised site layout has been overengineered which led to added volume of conflict points and the resulting negative impacts with the vulnerable users. Having regard to road safety, the functionality and operations of the proposed and existing development whereby 1) restricted visibility splays from development entrance onto/from public road in conjunction with the restricted nature of the site layout in the context of vehicular manoeuvrability, allocated parking, turning facilities and

the suitability of the proposed external and internal traffic circulation regime 2) in combination with the multitude of internal junctions being created, thus increasing unsegregated pedestrian conflict points (vulnerable road users) concerns arise with increased vehicular (car and HGV activity) that will be generated from the new proposed entrance off the National Route (N65). Accordingly, the potential exists for conflicting turning movements to occur within the internal layout and the public road network, the impact and loss of unsubstantiated street parking, the unsubstantiated roadside demolition, amendments and connections to public road margins that resides outside the control and consent of the applicants, thus increasing road safety hazards particularly for vulnerable road users. It is, therefore, considered that with regard to the aforementioned policy objectives of the Galway County Development Plan 2022-2028, that if permitted as proposed, the development would endanger public safety by reason of a traffic hazard, obstruction of road users or otherwise.

2-In the absence of any supporting storm management strategy for the development including a satisfactory site-specific surface water layout for the subject site supported by hydraulic calculations and concerning the uncertainty of the actual capacity of network storm infrastructure to facilitate newly generated hydraulic loadings which lie outside the control and consent of the applicant and in the absence of a satisfactory civil engineering report with supporting hydraulic calculations for the proposed development, including the simulation of consequences in the event of a storm event, insofar the applicants have not demonstrated compliance with the provisions of DM67 of the Galway County Development Plan.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the appeal site.

Planning Authority reference 22/637, in 2022, planning permission was refused to the current applicants for partial demolition of an existing dwelling, reconstruction works to existing dwelling including construction of a new gable wall, installation of

signage to the reconstructed gable wall of dwelling, construction of a 2.1 metre high concrete post and timber panel fence enclosure to the unloading area, construction of a 2.1 metre high boundary wall to the reduced garden area, kerbing, footpaths, drainage, traffic management line marking and 1.5 metre high galvanised steel access gates to the entrance, permission for alterations to the existing exit onto Dominic Street including closure of one exit to form a new compound area and enlargement of second exit from six metres to seven metres in width.

The refusal reason related to the location of the site within the Portumna ACA, and the proposed demolition works and loss of streetscape symmetry to Dominic Street associated with the proposed works would adversely impact the character of the ACA and fail to integrate effectively into the sensitive area and contravene objective AH4 of the Development Plan.

Planning Authority reference 18/1813, in 2018, planning permission was granted for an off-licence use within the existing Supervalu supermarket.

Planning Authority reference 09/654, in 2009, Permission for retention was granted to the current applicants for alterations to signage including relocation of clock, omission of entrance porch and retention of shop front, relocation of glazed tower, alterations to elevations, omission of feature clad wall, new dock leveller building, relocation of staff facilities area to new mezzanine area, revisions to internal ground floor layout to include supermarket ancillary areas and new gas compound.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan (GCDP) 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022.

One of the overarching aims of the plan is to: Promote the creation of an attractive county to live, work, visit and enable businesses to flourish in an environment that offers a range of housing options, robust and diverse range of employment opportunities, access to quality infrastructure and community facilities with a high-quality sustainable environment for all.

Section 6: Transport and Movement

Policy Objective NR1: Protection of Strategic Roads

To protect the strategic transport function of national roads and associated national road junctions, including motorways through the implementation of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

Policy Objective NR3: Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA)

Require all applications for significant development proposals which have the potential to impact on the National Road Network to be accompanied by a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA), carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines and TII Publications (Standard) GE-STY-01024 (Road Safety Audit) respectively.

Policy Objective NNR2: Safeguard Regional and Local Roads

To safeguard the carrying capacity and safety of the County's regional and local road network

Chapter 15; Development Management standards

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads

The Sight Distances required for Access onto National Regional and Local Roads are set out below:

Design Speed and Sight Distances	Sight Distance required for the following Design Speed on the Major Road in kph
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Design Speed	100	85	70	60	42	30
Y Distance on Major Road	215	160	120	90	50	35

DM standard 31: Parking Standards

Parking Standards

Large Stores (>1000 sq. m gross)	1 Space per 12 sq. m of gross floorspace
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DM Standard 33A: Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA)

DM Standard 67: Sustainable Drainage Systems' (SuDS)

All new developments (including amendments / extensions to existing developments) will be required to incorporate 'Sustainable Urban Drainage Systems' (SuDS) as part of the development/design proposals

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Portumna is classified as being a 'small growth town; within the Settlement Strategy of the current GCDP. The site has the benefit of a C1-town centre land use zoning objective as per the current Portumna Settlement land use zoning map. The zoning objective seeks: 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for 'living over the shop' scheme residential accommodation, or other ancillary residential accommodation'.

A description of what is envisaged on Town centre zoned lands is 'To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreation and civic uses'.

The subject site is located within the designated boundary of the town centre Architectural Conservation Area.

5.2 Natural Heritage Designations

The closest designated European Sites are the River Shannon Callows SAC (site code 00216) and the River Shannon Callows SPA (site code 004096) which are both located approximately 450 metres east of the appeal site and the Lough Derg north-east shore SAC (site code 002241) which is located approximately 750 metres south of the appeal site.

The site is located approximately 455 metres west of the River Shannon Callows pNHA (site code 000216).

6.0 The Appeal

6.1 First Party Appeal.

The appeal is made by the applicants Lough Derg Vintners Ltd. The appeal is centred on the planning decision issued by the Planning Authority and the reasons for refusal. The main issues raised within the appeal submission relate to the following matters:

- The site is located in the town centre of Portumna.
- The site comprises an established supermarket facility with associated surface car parking and a vacant plot at the northern end of the site.
- The area is characterised by town centre commercial developments and residential dwellings.
- The Galway County Council planners report states that ‘the proposed development is considered as being acceptable in principle. The acceptability of this proposal is subject to normal planning considerations, such as the avoidance of adverse impacts on the receiving environment, landscape character and prevailing architectural type, road safety etc’.
- The Roads Department sought further information.
- Transport Infrastructure Ireland outlined no objections.
- The Department of Environment, Heritage and Local Government recommended that a wildlife survey of the site be conducted by a suitably qualified ecologist prior to the demolition of the outbuildings. The applicants are happy to accept a planning condition regarding conducting a wildlife survey and that site clearance works take place outside of the bird nesting season.
- Following assessment of the further information response, the Planning Authority stated that it considered the responses to items 3 and 4 as being satisfactory. However, the responses to items 1 and 2 had not demonstrated full compliance with the relevant policy objectives as set out within the current GCDP 2022-28.
- Neither of the refusal reasons as set out by the PA refer to a material contravention of the current Galway CDP 2022-2028 and on that basis the Coimisiún is not legally constrained by the provisions of Section 37 (2) (b) of the Planning and Development Act 2000, as amended.
- The applicants’ Roads Consultant Engineers concluded that ‘the proposed development as applied for will not present any concerns in terms of Road Design DMURS compliance, traffic capacity or traffic safety on the affected local roads’.

- The Consultant Roads Engineers also reference a number of policies and objectives within the GCDP 2022 referred to in the Planners Report as not being relevant to the proposed development.
- A Consultant Engineers Report addressing the second refusal reason in terms of how storm water will be managed on site has been submitted.
- The proposals seek permission for works to an existing established supermarket in order to increase car parking, enhance traffic safety, modernise facilities and provide updated drainage measures to manage surface water run-off.
- The proposals will make use of a vacant plot to the north of the site which detracts from the visual amenity within the town centre.
- The concerns raised by the Planning Authority within the two refusal reasons are addressed within the expert responses prepared by experienced Consultant Engineers. The objections on traffic grounds are strongly refuted, and the relevant stormwater management information has been provided.
- They request that the Coimisiún overturn the decision of the Planning Authority and grant planning permission for the proposals.

6.2 Planning. Authority Response

None received.

6.3 Observations

None received

7.0 EIA Screening – *(See Appendix 1 at the end of this report)*. Having regard to the relatively minor nature of the extension, alterations and modifications to a surface car park layout and entrance/egress points associated with an existing established and permitted supermarket and its location removed from any sensitive locations or features on zoned serviced lands within a brownfield site, there is no real likelihood of significant adverse effects on the environment. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Shannon Callows SAC or SPA or the Lough Derg north-east shore SAC in view of the conservation objectives associated with these sites and are, therefore, excluded from further consideration. Appropriate Assessment is not required.

9.0 WFD Screening- The subject site is located approximately 450 metres west of the River Shannon watercourse.

The proposed development would comprise alterations and modifications to the car park layout incorporating additional car parking spaces and improved connectivity and safety for pedestrian customers within the car park area associated with an established and permitted supermarket on a brownfield town centre site on zoned serviced lands. The detailed development description is set out within Section 2.0 of my report above.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies 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.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the alterations and

modifications to the car park layout incorporating additional car parking spaces and improved connectivity and safety for pedestrian customers within the car park area associated with an established and permitted supermarket,

- The location removed from the nearest waterbody and the absence of hydrological connections to the waterbody,

Conclusion

I conclude that on the basis of objective information, 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.

7.0 Assessment

7.1 Introduction

The key issues in this appeal are those raised in the grounds of appeal which comprise responses to the issues raised within the refusal reasons as set out within the Planning Authority decision and I am satisfied that no other substantive issues arise. The Planning authority did not raise any objections to the principle of the extension, alterations and modifications to the car park and entrance/egress arrangements proposed at the established and permitted supermarket facility. The issues at stake can be dealt with under the following headings:

- Principle of development.
- Traffic, Access and car parking layout
- Surface Water Management
- Other Matters

7.2 Principle of Development

7.2.1 The appeal site comprises a supermarket and ancillary surface car parking located on lands zoned C1-town centre within the current Galway County Development Plan (GCDP) and within the confines and an established and permitted supermarket, centrally located within the settlement of Portumna. Given the town centre location of the proposals, the town centre land use zoning objective that pertains to the site and the established and permitted commercial uses within the site associated with the supermarket, I consider that the principle of the extension, alterations and modifications to the car park and access/egress arrangements proposed to be acceptable.

7.2.2 Therefore, on balance I am satisfied that the extension, alterations and modifications as proposed are acceptable in principle, subject to the issues in relation to suitable access and parking arrangements within the surface car park area, that pedestrian and vehicular safety is optimised, that the works would be carried out on lands within the ownership/control of the applicants, that traffic on adjoining streets is not adversely impacted upon and that surface water management proposals would not result in increased flood risk within the site or on adjoining lands. These are matters that will be addressed later within this assessment.

7.3 Traffic, Access and car parking layout

7.3.1 The first reason for refusal as set out within the Planning Authority (PA) decision specifically references two matters. The first matter relates to restricted visibility splays from the existing and proposed entrance/egress points and the increased vehicular activity that would be generated from the new entrance from the N65, the loss of street parking, roadside demolition and amendments and connections to the public margins outside the control of the applicants thus increasing road safety hazards particularly for vulnerable road users. The second matter highlighted in the first refusal reason relates to the restricted nature of the internal car park layout in the context of vehicle manoeuvrability, parking, turning facilities and the internal and external traffic regime. The reason also references the multitude of internal junctions being created, increasing unsegregated pedestrian conflict points. The PA

considered that there is increased potential for conflicting turning movements to occur within the internal layout and the public road network. Therefore, to permit the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users or otherwise. A number of specific policy objectives in the form of NR1 and NR3 and NNR2 and DM standards DM28, DM33A and DM67 of the current Galway County Development Plan 2022-2028 are specifically referenced in the first refusal reason.

7.3.2 The appellants within their appeal submission state that the proposed development as applied for 'will not present any concerns in terms of Road Design DMURS compliance, traffic capacity or traffic safety on the affected local roads'. The appellants also set out that the transport policies and objectives referenced within the Galway County Council Planning report are not relevant to the proposed development. I note that the specific objective NR1 relates to the protection of Strategic routes. The subject site currently has two vehicular access points onto Dominic Street which is classified as a local road/street within the 50 kilometre per hour speed control zone. Presently, access to the supermarket from Clonfert Avenue to the north of the subject site is via a pedestrian supermarket door access onto that street front. Clonfert Avenue is also classified as the N65, National secondary route. The proposed new vehicular entrance off Clonfert Avenue would be located within the 50 kilometre per hour speed control zone and, therefore, would be subject to adhering to DMURS best practice guidance, which will be addressed in detail within the assessment below. Specific Objective NR3 relates to the submission of Traffic and Transport Assessments and Road Safety Audits (RSA). I note that a combined Stage 1 and 2 RSA was submitted as part of the further information response to the Planning Authority. Specific Objective NNR2 relates to the protection of the carrying capacity of regional and local roads. The DM standards referenced in the refusal reason are DM 28. DM 33(a) and DM 67. DM Standard 28 relates to sightline standards which will be addressed in detail in the assessment below. DM33A relates to the submission of Traffic Assessments, Road Safety Audits (RSA's) and Road Safety Impact Assessment. The applicants submitted a combined Stage 1 and 2 Road Safety Audit (RSA), and the recommendations of the RSA will be addressed as part of the assessment below. DM 67 relates to the submission of SuDS

proposals for extensions to existing developments. This matter will be addressed within Section 7.4 of this assessment below.

7.3.3 The surface car park alterations and modifications proposed provide for an increase in the quantum of on-site spaces being increased from 84 spaces at present to 98 spaces, an increase of approximately 17%. Twenty of these spaces would be dedicated EV charging spaces and six spaces would be dedicated parent and child parking spaces, five disabled spaces are also proposed leaving fifty-seven spaces available for other customers. Given, that there is no additional retail floorspace proposed as part of these proposals, I am satisfied that the applicants are proposing an increased quantum of car parking spaces to serve their customers' needs now and into the future especially with the provision of the dedicated EV, disabled and P & C spaces.

7.3.4 This increase in parking spaces is largely provided within the northern part of the subject site on an underutilised plot of land containing an outbuilding which is not in use and falling into disrepair, immediately south of Clonfert Avenue. The car park layout is to be rationalised and would provide for an improved flow of traffic with the introduction of a partial one-way system within the car park area. I am satisfied that the car parking alterations and modifications will not result in the creation of a traffic hazard and would also improve pedestrian safety by providing pedestrian zones as per the recommendations within the RSA and provide for increased car parking as well as dedicated Electric Vehicle (EV) and dedicated parent and child (P & C) parking, associated with the Supervalu supermarket. The additional road markings and stop signage are all part of a package of recommendations as set out within the RSA report. which will improve safety for pedestrians and drivers alike within the car park area and at the enhanced entrance/egress point onto Dominic Street.

7.3.5 I consider that the alterations and modifications proposed within the internal surface car park area will provide for greater rationalisation within the surface car park area, whereby dedicated EV, disabled and P and C parking would be provided as well as a dedicated pedestrian zone within the car park area to provide clear guidance to pedestrians in terms of their pathway from the car park to the supermarket entrance

and this provides clarity for both pedestrians and drivers alike in order to minimise the risk of collision within the car park area and optimise safety for all parties. At present, there are no dedicated pedestrian zones within the surface car park area, so therefore, I am satisfied that the current proposals, informed by the combined Stage 1 and 2 RSA and by the best practice principle within DMURS will optimise safety for all parties, pedestrians and vehicle drivers alike within the supermarket surface car park area. Therefore, based on the information submitted, I am satisfied that the car parking alterations and modifications will not result in the creation of a traffic hazard and would optimise pedestrian safety and provide for increased car parking. I consider that the proposals would be in accordance with DM standards 28 and DM33A of the current GCDP in terms of demonstrating adequate sightlines at the proposed entrance/egress point onto Dominic Street and also in relation to the submission of the combined Stages 1 and 2 RSA.

7.3.6 Another aspect to the first refusal reason relates to the modified vehicular entrance onto Dominic Street, the closure of a vehicular access onto Dominic Street and the opening of a new vehicular access onto Clonfert Avenue. This refusal reason references roadside demolition, amendments and connections to public roads margins outside of the control and consent of the applicants. having insufficient legal interest, as per Article 22 (2) (b) (ii) of the current Planning and Development Regulations. The applicants submitted a revised Site Layout Plan (Drawing number P3860-C007) as part of their further information response whereby the red line application site boundary incorporates the footpath areas along the street frontage along both Clonfert Avenue to the north of the site and Dominic Street to the south of the site. The revised Site layout Plan demonstrates sight visibility of 59 metres from a 2.4 metre set back from the carriageway edge onto the LP-4327 (Dominic Street) in compliance with Section 4.4.4, Table 4.2 of the DMURS manual. Compliance with Table 15.3, DM Standard 28 of the current Galway County Development Plan (GCDP) 2002 regarding sightlines has also been demonstrated within Drawing Number P3860-C007.

7.3.7 The alterations provide for a widened vehicular access/egress from the supermarket surface car park onto Dominic Street and the closure of a second existing vehicular

entrance point from the surface car park to Dominic Street. I consider that the closure of one access/egress entrance and the widening of the existing access/egress which would provide for a consolidated access/egress arrangement onto/from Dominic Street and provide for a safer in-out system would improve the flow of traffic to and from the site and provide for a more rationalised traffic management system for customers exiting and entering the subject site. It would also reduce the risk of conflict with pedestrians as there would only be one point where the public footpath is breached onto Dominic Street, where at present is breached at two separate locations. There are a number of recommendations set out within the RSA, specifically in relation to the widened Dominic Street vehicular access including the provision of adequate sightlines at the widened vehicular entrance onto Dominic Street, that a stop sign and stop road markings be provided at the Dominic Street egress point. These measures have been incorporated within the applicants revised Site Layout Plan (Drawing Number P3860-C007). I consider that these measures will provide for a safer access/egress point to/from Dominic Street for both pedestrians and vehicles alike. Therefore, I consider that the revised access/egress proposals to/from Dominic Street to be acceptable, are informed by the combined Stage 1 and 2 RSA , are in compliance with the principles of the Design Manual and Urban Roads and Streets (DMURS) as per the per the DMURS Statement of Consistency, submitted as part of the further information response.

7.3.8 I consider that the Dominic Street proposals provide for a more rationalised entrance/egress arrangement onto Dominic Street and would accord with the proper planning and sustainable development of the area and would be in accordance with DM standards 28 and DM33A of the current GCDP in terms of demonstrating adequate sightlines at the proposed entrance/egress point onto Dominic Street and also in relation to the submission of the combined Stages 1 and 2 RSA.

7.3.9 The applicants are also proposing to create a new vehicular entrance from Clonfert Avenue, the N65 to the north of the subject site into the extended surface car park area. As set out with the paragraphs above, at present, vehicular access to the site is from two separate access points from the south of the site off Dominic Street. The new access from Clonfert Avenue would operate on a one-way system into the

existing SuperValu car park from the adjoining public road. At present, pedestrian access is available to the supermarket from Clonfert Avenue. The new access point would require breaking an opening in a boundary wall and the loss of an unspecified number of on-street car parking spaces. I consider that traffic queueing to use the new access from Clonfert Avenue would interfere with the safety and freeflow of traffic along that roadway at a point where there is/would be no dedicated turning lane provided to serve the car park access. The new entrance could also result in traffic using the access as a short cut to access Dominic Street from Clonfert Avenue. On balance, I do not consider that the applicants have submitted a robust justification for the proposed new access point from Clonfert Avenue. In the absence of a robust justification, I do not consider that it is necessary to permit the Clonfert Road access and its absence will not adversely impact the alterations and modifications and extension to the car park area nor the reconfiguration of the surface car park area. This is a matter that can be addressed by means of an appropriate planning condition, in the event that a grant of planning permission is being recommended.

7.3.10 The applicants also submitted a statement of consistency with the principles and standards as set out within the Design Manual for Urban Roads and Streets (DMURS) document. The appellants state that the use 'of DMURS in urban areas is mandatory and the revised Site layout Plan Drawing number P3860-C007 demonstrates that the design team have ensured that the relevant design standards contained within DMURS have been duly considered'.

7.3.11 The second of the matters raised in the first refusal reason relates to works being conducted outside of the site on lands outside of the control of the applicants. As set out above, I consider that the rationalisation and consolidation of the entrance proposals onto Dominic Street will result in a safer access to/from the supermarket car park, especially with the implementation of the recommendation regarding sightlines and signage at the improved and widened Dominic Street entrance, which is a public road and in the charge of the local Authority. I am satisfied that the alterations works being proposed are within the red line application site boundary and that the applicant has demonstrated sufficient control over these lands to carry

out the full extent of these works, markings and signage. These works are to be carried on foot of the recommendations as set out within their RSA report and as detailed within the revised Site layout Plan P3860-C007, submitted as part of their further information response to the Planning Authority. I am satisfied that the works proposed are within the red line appeal site boundary at an existing established and permitted entrance point and the applicants are proposing to make the established and permitted entrance/egress point safer under the current proposals, which are informed by the combined Stage 1 and 2 Road Safety Audit and with DM Standard 28 within the current GCDP in relation to sightlines,

7.3.12 Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Coimisiún sufficient comfort to permit the alterations and modifications to the surface car park area and the entrance/egress upgrades associated with the supermarket.

7.3.13 In conclusion, based on the information submitted as part of their appeal documentation, and the revised Site Layout Plan Drawing Number P3860-C007 submitted to the PA as part of their further information response, and the correspondence from the applicants, I am satisfied that the applicants have demonstrated that the works, signage and road markings as recommended within the RSA report would be carried out within the red line application site boundary and along a public thoroughfare, therefore, on lands within the control of the applicants. I am also satisfied that the applicants proposal in relation to the consolidation of access points along Dominic Street within a 50 kilometre per hour speed control zone and the internal alterations and modifications within the internal surface car park area will provide adequate staff and visitor car parking as well as optimising pedestrian safety in accordance with the recommendations of the combined Stage 1 and 2 RSA and, in accordance with best practice DMURS principles and with

objectives NR1 and NR3 of the current GCDP in terms of protecting strategic routes, and the submission of supporting traffic reports including a Road Safety Audit and safeguarding regional and local routes as per objectives and DM standards within the current County Development Plan. Sightlines at the existing established and consolidated Dominic Street entrance have been demonstrated in accordance with Development Plan standards. Therefore, I am satisfied that the proposal will not be contrary to DM standards 28 and 33A within the current Development Plan in relation to sightlines and the submission of supporting traffic reports including road safety audits for development proposals and that the PA's first refusal reason as referenced in Section 3 of this report above, should be set aside for the reasons set out within Section 7.3 above.

7.4 Surface water management

- 7.4.1 The second refusal reason as set out by the Planning Authority related to the absence of any supporting storm management strategy for the development including a satisfactory site-specific surface water layout for the subject site, supported by hydraulic calculations and concerning the uncertainty of the actual capacity of network storm infrastructure to facilitate newly generated hydraulic loadings which lie outside the control and consent of the applicant. The PA also reference the absence of a satisfactory civil engineering report with supporting hydraulic calculations for the proposed development including the simulation of consequences in the event of a storm event, insofar the applicants have not demonstrated compliance with the provisions of DM67. I acknowledge that the applicants did not submit specific surface water management measures as part of their planning documentation to the Planning Authority.
- 7.4.2 However, as part of their appeal submission to the Coimisiún the applicants submitted a surface water management report, including sustainable urban drainage system (SUDS) proposals for the surface car park area as prepared by their Consultant Engineers. An engineering layout (Drawing number P3860-C005) has been submitted which provides details of the SuDS drainage strategy for the car park extension areas within the subject site. The drainage system is designed as a 'total infiltration system' based on the results which emanated from the soakaway

tests conducted on site. The calculations as presented provide for a 1;100 year storm event scenario with an allowance for climate change. The applicants acknowledge that there are no proposals to connect surface water run off to the local existing public storm drainage network as referenced within the second refusal reason as set out by the PA, so capacity within the public storm sewer network is not an issue in this instance. The applicants have also confirmed that the surface water drainage within the existing surface car park area has been installed in accordance with the particulars as permitted under planning reference number 07/856 and the existing drainage network will not be impacted by the drainage proposals for the extended car park area. The applicants also state that the proposals are in compliance with the provisions of DM Standard DM67 in that the drainage proposals are SuDS compliant where infiltration is proposed through the use of permeable paving and porous asphalt.

7.4.3 In conclusion, based on the information submitted by the applicants in relation to surface and storm water management on site within the extended surface car park area, I consider that the applicants have demonstrated by means of a comprehensive surface water management report and accompanying layout drawing that storm and surface water will be managed within the confines of the site by means of SuDS measures including permeable paving and porous asphalt and that the existing surface water drainage measures within the remainder of the surface car park area will not be adversely impacted by the proposals. I am satisfied that these measures will not increase the risk of flooding within the site or on adjoining lands nor the adjoining public roadways.

7.5 Other Matters

7.5.1 The proposals provide for the demolition of outbuildings comprising a stated floor area of 92 square metres. The two modest outbuildings are in state of disrepair and are exposed in that the structure to the north of the site does not have its roof in place and is located on an underutilised part of this town centre site. The other structure comprises a metal shed to the south-east of the site. Therefore, the principle of demolishing these outbuildings, which as per the planning report prepared by the PA are not afforded any protection or of any particular built heritage

value and extending the surface car park into this underutilised parcel of land to serve the extended supermarket car park is considered to be acceptable.

7.5.2 The applicants submitted a bird and bat survey prepared by Consultant Ecologists as part of their further information response. The report sets out that there are no European sites designated for the protection of bat species within a fifteen kilometre radius of the subject site. The Consultant Ecologist references the BCI database and notes that as of May 2025, there were no bat roosts recorded within the subject site but acknowledged there was a bat roost recorded approximately fifty metres from the subject site further along Clonfert Avenue and other bat roosts within the adjacent Portumna Castle grounds and the Portumna forest park. The survey found that birds which are protected under their EU Natura 2000 status (Shannon Callows and Lough Derg north-east Shoreline SPA sites) are not at risk from the proposed development and would be unlikely to be adversely impacted given the urban nature of the subject site and absence of suitable feeding or roosting area within Portumna town centre. Bats were not recorded as using the outbuildings on site, and both were considered to have a low to moderate probability for accommodating bats. Both outbuildings were considered more suitable as bird roosting locations. Bats were recorded as passing through/over the site. Street lighting and lighting in the car park area was considered to reduce bat activity within the vicinity of the site. No evidence or roosting bats or nesting birds were recorded within the site.

7.5.3 The Consultant Ecologist recommended a number of mitigation measures to be included within the lighting plan in terms of providing low level bollard lighting along the eastern site boundary, the cowling of lights in the car park area to provide for reduced light spillage and the dimming of lights to 60% from 23.00 to 06.00. These are matters that can be addressed by means of an appropriate planning condition, in the event that a grant of planning permission is being recommended.

7.5.4 The subject site is located within the designated Architectural Conservation Area (ACA) for Portumna town centre. This was not raised as an issue by the Planning Authority within its refusal reasons. Given the relatively modest scale of the alterations and modifications the existing surface car park, and where there are no

additional structures proposed as part of the proposals, I do not consider that the extension/alterations to the car park area would adversely impact upon the town centre ACA designation.

8.0 **Appropriate Assessment**

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 450 metres west of the closest designated European Sites being the River Shannon Callows SAC (site code 00216) and the River Shannon Callows SPA (site code 004096) and the Lough Derg north-east shore SAC (site code 002241) which is located approximately 750 metres south of the appeal site. The development description was set out within Section 2 of the report above. The applicants did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation.
- 8.2 The Planning Authority conducted an AA screening exercise and identified the nearest European sites to the appeal site as being the River Shannon Callows SAC (site code 000216) and the River Shannon Callows SPA (site code 004096) which are both located approximately 450 metres east of the appeal site and the Lough Derg north-east shore SAC (site code 002241) which is located approximately 750 metres south of the appeal site. The PA concluded 'that the proposed development, by itself or in-combination with other development in the vicinity would not have a likely significant effect on European sites, their qualifying interests or conservation objectives (directly, indirectly or in-combination). Therefore, no further assessment is required'.
- 8.3 The appeal site is not hydrologically connected to any of these or any other European sites. There are no drainage ditches located within the subject site or along its boundaries. The nearest watercourse is the River Shannon, located approximately 450 metres east of the appeal site, however, I am not aware of any

direct surface hydrological or ecological connectivity between the subject site and this watercourse.

8.4 Four European sites were identified within a five-kilometre radius of the appeal site. I consider that these sites can be screened out due to the absence of hydrological or ecological pathways from the appeal site to these European sites and the separation distance to these particular European sites. The Bat and bird survey submitted to the PA as part of the further information response was satisfied that no bats nor birds protected by the Natura 2000 designations would be adversely impacted by the proposed development and were not recorded within the confines of the appeal site. The appeal site is located within a built-up urban environment which would render the appeal site unattractive to the bat and/or bird species.

8.5 I am satisfied that once the extension, alterations and modifications to the supermarket surface car park operates in accordance with its demolition and waste management requirements and that dust and noise are maintained in accordance with best practice standards and given that the proposals have no public piped water service connection requirements that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site or any other European site would arise.

8.6 I note that the Department of Housing, Local Government and Heritage made an observation to the Planning Authority and recommended that any site clearance work should take place outside of the nesting season, that being between early March and the end of August. They recommended the incorporation of green/living walls and down lighting to reduce light spillage. These are matters that can be addressed by means of appropriate planning conditions.

8.7 I am satisfied that with the implementation of the standard control construction measures including those of surface water management, referenced within Section 7.4 of my report above will not result in the alterations and modifications to the supermarket surface car park area adversely impacting surface water quality in the Shannon watercourse or groundwater beneath the subject site. I consider that even in the unlikely event that the standard control measures should fail, this indirect

hydrological link to the Shannon represents a weak ecological connection, given the separation distance to the nearest European sites, in terms of the Shannon Callows and Lough Derg northern shoreline Natura 2000 sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the nearest Natura 2000 sites unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'that the proposed development, by itself or in-combination with other development in the vicinity would not have a likely significant effect on European sites, their qualifying interests or conservation objectives (directly, indirectly or in-combination). Therefore, no further assessment is required.'

8.8 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 these or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to alterations and modifications to a supermarket surface car park area, on zoned, serviced lands,
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that 'that the proposed development, by itself or in-combination with other development in the vicinity would not have a likely significant effect on European sites, their qualifying interests or conservation objectives (directly, indirectly or in-combination). Therefore, no further assessment is required'.

8.9 I conclude, that on the basis of objective information, the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required. I have conducted my own Appropriate Assessment screening exercise and completed an examination and identification of any potential significant effects of the development, alone, or in

combination with other plans or projects on European sites. The screening is supported by a review of National Parks and Wildlife Service (NPWS) datasets, Ordnance survey mapping and aerial photography.

9.0 Recommendation

I recommend that planning permission for the extension, alterations and reconfiguration to the car park area and the vehicular entrance and exit points be granted.

10.0 Reasons and Considerations:

Having regard to the location of the site within a serviced urban area to the compliance with Development Management standards within the current Galway County Development Plan 2022-2028, specifically DM28 in relation to sightlines, Policy objective NR3 and DM 33A in relation to the submission of a Road Safety Audit and DM67 in relation to submitting SuDs compliant proposals, It is considered that subject to compliance with the conditions set out below, the development would provide for a modest extension of an existing surface car park, provide for dedicated electric vehicle parking and charging facilities, disabled and parent and child parking, improved pedestrian safety zones within the surface car park, a rationalisation of the existing established and permitted entrance/egress arrangements onto Dominic street would accord with best practice road safety and car parking standards as set out within the current Development Plan and DMURS and would not result in the creation of a traffic hazard or adversely impact upon vulnerable road users. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

- 1 The development shall be constructed in accordance with the plans and particulars lodged with the application on the 3rd day of October 2024 and on the 2nd day of September 2025 and as submitted to the Coimisiún on the 23rd day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be

agreed with the Planning Authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 The Site Layout plans including drawing numbers P3860-C001-C003 inclusive, and P3860-C007 as submitted to the Planning Authority on the 3rd day of October 2024 and as amended on the 2nd day of September 2025 and drawing numbers P3860-C004 and P3860-C005 submitted to An Coimisiún Pleanála on the 23rd day of October 2025 shall be permitted on foot of this permission.

Reason: In the interest of clarity

- 3 The proposed entrance/egress from Clonfert Avenue (N65) to the north of the site shall not be permitted. The existing western access onto Dominic Street shall be closed upon completion of the widening of the existing eastern access onto Dominic Street and completion of all recommendations as set out within the combined Stages 1 and 2 Road Safety Audit.

Reason: In the interest of traffic safety.

- 4 Final details of the materials, colours, and textures of all the finishes to the extended surface car park area development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of proper planning and sustainable development.

- 6 Details of external signage shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason; In the interest of architectural heritage.

- 7 All of the recommendations as set out within the combined Stage 1 of 2 Road Safety Audit submitted to the Planning Authority on the 2nd day of September 2025 shall be implemented in full prior to the occupation of the proposed additional car parking spaces.

Reason: In the interest of pedestrian and traffic safety

- 8 Prior to the commencement of development the applicants shall submit details of certification by a Consultant Engineer that the alterations at the entrances to the surface car park as set out within the Site Layout Plan, drawing number P3860-C007 and in accordance with best practice standards, including those set out within the Design Manual for Urban Roads and Streets 2019 have been implemented in full prior to the occupation of the proposed additional car parking spaces.

Reason: In the interest of pedestrian and traffic safety.

- 9 The construction of the development shall be managed in accordance with the Construction and Environmental Management Plan to be submitted and agreed in writing with the Planning Authority prior to the commencement of development. The Management plan shall include measures to address issues in relation to waste management, management of dust, noise vibration, traffic and deliveries management and hours of construction and any other matters that are deemed appropriate for inclusion in the Plan.

Reason: In the interests of sustainable waste management and residential amenity.

10 Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the planning authority:

- Precise details of the materials to be used within the bicycle parking shelters, including provision of adequate illumination.

Reason: In the interest of public safety and sustainable transportation

11 The proposed twenty designated Electric vehicle car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining proposed car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation

12 The recommendations of the Consultant Ecologist as set out within the bat and bird Survey report submitted to the Planning Authority on the 2nd day of September 2025 in terms of lighting within the site shall be incorporated in full within the internal lighting scheme for the subject site. A report prepared by a suitably qualified professional confirming the implementation of these lighting measures shall be submitted for the written confirmation of the Planning Authority within three months of the completion of the development.

Reason: In the interest of biodiversity and sustainability

13 Prior to the commencement of development the applicants shall submit details of green/living walls including nesting boxes prepared by a suitably qualified professional within the development site for the written agreement of the Planning Authority.

Reason: In the interest of biodiversity and sustainability

14 The demolition of the outbuildings shall take place outside of the nesting season which is between the 1st day of March and the 31st day of August each year.

Reason: In the interest of biodiversity.

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.

Fergal Ó Bric

Planning Inspectorate

2nd day of April 2026.

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	PL-500130-GY		
Proposed Development Summary	Permission for alterations and reconfiguration to surface car park area and alterations to vehicular entrance/egress areas to an existing supermarket facility. and all associated site works.		
Development Address	Clonfert Avenue and Dominic Street, Portumna, 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		x
	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	Tick/or leave blank		
No	Tick or leave blank	Alterations and reconfiguration to surface car park area and alterations to vehicular entrance/egress areas to an existing supermarket facility does not fall within a class of development as per the P & D Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		x

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the alterations and reconfiguration to surface car park area and alterations to vehicular entrance/egress areas to an existing supermarket facility.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____

Date: _____