

Date: 19th July 2016

Planning Department,
Galway County Council,
Aras an Chontae,
Prospect Hill,
Galway City.

Re: Submission to Planning Application Reference 16/834

To Whom It May Concern,

We wish David Linnane & Aoife Tannian of Knockaunatouk, Gort, Co., Galway to lodge a submission to the Planning Application sought by Mr. Coleman Rock for *"Retention of (1) Extension to an existing engineering workshop previously granted under 01/393. (2) New building consisting of engineering workshop. (3) Storage structures and (4) Associated site work."* in the townland of Knockaunatouk. Our house and the home of our 3 small children is located next door directly to the north of the development.

We are fundamentally concerned with the ongoing intensification of this unauthorised commercial development in this rural and secluded area. The applicant has no regard whatsoever to planning and environmental laws or to the nuisance and disturbance caused to our residential amenity. This is compounded by the fact that the application was NOT accompanied by any;

- explanation of the precise nature of the commercial activities on site,
- detailed environmental reports or
- design mitigation measures.

In this situation, we are left with no choice but to lodge this objection to the Local Authority and to the Appeals Board if necessary, in order to safeguard our health and residential amenity. Our primary concerns are set out below.

1. Background

We understand that Mr. Rock secured planning permission for a small workshop in 2001 (Pl. Reg. Ref. No. 01/393). Mr. Rock previously operated an engineering business in Gort town. The 2001 planning application includes a number of letters from Gort residents supporting the relocation of Mr. Rocks business out of the area. No doubt these residents were only too delighted to see Mr. Rock relocate his engineering operations away from their homes into the open countryside.

The 2001 permission was granted on the basis that it was proposed to relocate an enterprise that would be agriculturally based with a minimal amount of hours dedicated to engineering. Regrettably, the current operation consists of a large scale commercial abrasive blasting complex in a rural setting, with long hours dedicated to this intensive engineering activity, totally unrelated to agriculture or rural resourced enterprise.

Over the years Mr. Rock has continually expanded his commercial business without the benefit of planning permission. The site is now dominated by a series of large commercial buildings, where shot blasting/sandblasting (abrasive blasting) of metals is carried out. Heavy duty engineering consisting of abrasive blasting operation, steel fabrication and associated painting. This is carried out on girders and steel frames/arriving via articulated trucks at regular intervals.

Note: We are aware of these activities because we live next door, however this basic information is not mentioned in the application as applied for.

The commercial engineering plant operates not only on weekdays but also on Saturdays, Sundays, Bank Holidays and sometimes late at night. This has resulted in an untenable intensification of commercial use as well as being a gross overdevelopment within a rural area.

In terms of use, Condition No.'s 1 & 4 limited the extent of the development to a small workshop. The existing extent of intensive commercial activity is in clear breach of these planning conditions.

As the nature of the use has not been detailed in the application, it is uncertain as to whether Mr. Rock is in breach of condition No. 10 of Pl. Ref. No 01/393 which prohibited retail sales.

It is obvious that the business on site has evolved and expanded to become a large and intensive commercial development totally unrelated to a rural resourced enterprise. The development seeking retention is completely at odds with Objective 11 'Rural Enterprise' of the County Development Plan. Because the business has grown to this extent and the nature of the business has changed, it should be relocated into an appropriate town or village. This would be consistent with the Development Plan and Section 4.9 of the Plan – Rural Enterprise which encourages such relocation; *"There are over one hundred rural villages and settlements dispersed throughout the County, many of which are devoid of enterprise and suffering from economic and population decline. It is therefore desirable that small scale enterprises and community services are channelled into these locations where possible."*

2. Noise & Nuisance

The noise generated by illegal commercial development at this location is an ongoing and unbearable source of disturbance, nuisance and irritation. The applicant works long hours and the abrasive blasting operation creates a constant non-stop humming noise even when all windows in our house (double glazed) are closed. Again, there are no noise reduction measures included in the application. There is no sound proofing in the sheds and the doors of the extended workshop are habitually left open. More significantly, the long narrow workshop seeking retention is open ended.

Condition No. 8 set limitations for noise levels along the site boundary. However, the boundary has moved northwards and the noise emissions from the facility have not been demonstrated. This development is in breach of Condition No. 8 of Pl. Ref. No. 01/393.

In January of this year we were subject to extensive rock breaking on the site, carried out by a 20 tonne excavator. Although it is not indicated on the site layout plan, a site inspection will reveal very extensive excavations carried out on site as well as the large mound of limestone, to the north of the site.

In this situation, the unauthorised development seeking retention is continuing to adversely affect our residential amenity and is depreciating the value of our property, and should rightly be refused.

3. Dust & Odour

Our house is located to the north of the unauthorised development. We first became aware of the smells/odours emanating from the site while playing with our children in our back garden. We suspect that these fumes/odours are emissions from the shotblasting/ sandblasting/zinc coating operations from the application site. Because of the prevailing winds, we are vulnerable to the adverse effects of this dust and odour on an ongoing basis.

We understand that these abrasive blasting activities should be subject to strict planning and environmental controls. We understand that best practice demands the provision of a dedicated blast room to be totally enclosed and vented to the atmosphere through an effective dust collector. No such procedures are in place. Instead, the long narrow workshop is open ended and the doors of extended workshop are left open, which effectively equates to open air blasting. This is a totally unacceptable form of development in a rural residential location, and constitutes an environmental and health hazard.

4. Hazardous materials & threats to groundwaters

There are no details on file with regard to the nature of the materials and/or chemicals used on site. Neither is there any details regarding the capture and secure storage of hazardous wastes on site. There is a real and substantive risk that pollutants are being generated by abrasive blasting/ steel painting are entering groundwaters through direct discharge, seepage or through contamination of stormwater. Pollutants may include paints, solvents, coolants, degreasing agents, grease, lubricants/hydrocarbons, solvents, oils, nutrients suspended solids. Barrels of waste/ contaminants are habitually discarded on top of porous limestone (see Photo 1). Because of the Extreme Aquifer Vulnerability rating in the area (with limestone bedrock at surface), this ongoing uncontrolled development represents a significant threat to groundwaters in the area.

5. Effluent Treatment & Public Health

As well as the likely impact of uncontrolled emissions/ contaminants from the abrasive blasting operation, we are concerned as to whether domestic effluent can be effectively drained on site. For example, it appears that the applicant has constructed a new building on top of the percolation pipes to serve the septic tank permitted under Pl. Ref. No. 01/393. This will prevent the maintenance and successful operation of the treatment system on site. In this situation, the unauthorised development seeking retention, would be contrary to the requirements of SR6 1991, and would be in breach of Condition No. 11 of Pl. Ref. no. 01/393.

The percolation area is now 'boxed' between the long narrow workshop and the site boundary. This means the permitted means of effluent disposal on site is unworkable. In the interest of public health the percolation area would need to be relocated on site. Yet this could prove difficult because of the extent of built development and the presence of rock outcrop.

Also, no details of staff numbers have been provided for this expanded commercial activity and it is uncertain as to whether the Septic tank system would have the capacity to cater for the intensification of use on site.

Similarly, it is uncertain as to the water requirements for the expanded facility and as to whether there is sufficient yield in the water supply in the area to cater for this commercial expansion.

6. Habitats Directive

The site of this large scale intensive and unauthorised commercial development is partially encroaching into the Coole-Garryland SAC. Again no detailed environmental reports such as a hydrogeological assessment accompanied the application. There is an inherent conflict between the environmental sensitivity of this area and the nature of this commercial development. There is a genuine risk of contaminants (Industrial Waste & Sewerage Effluent) polluting ground waters in the area, and a total failure to acknowledge the Conservation Objectives and sensitivities of the SAC. In this situation, is unlikely that an Appropriate Assessment Screening report would be sufficient for the competent authority. We have been informed that this type of development in this type of location would normally require a Natural Impact Statement or Full Appropriate Assessment.

We see that a Screening Report followed this application. However, it is light on detail with regard to the precise description of activities on site and to the anticipated effects. This is because these details were not provided in the application. It also fails to acknowledge that the effluent treatment system on site is unworkable. Also the Screening report recommends Best Practice measures (i.e. mitigation Measures). If these mitigation measures are necessary e.g. structures to protect watercourses and measures to minimize disturbance to bats, then the next stage of assessment is required i.e. Full Appropriate Assessment.

Yet in this situation this development cannot be regularised in under the Planning Acts because it is a retention application.

7. Impact on Landscape & Overdevelopment

This extensive commercial development is located in a Class 4 (Special) Landscape Sensitivity Area. The scale, mass, bulk and density of the development seeking retention, combined with the extensive limestone excavations has resulted in an overconcentration of development and a visually incongruous complex of commercial buildings in a visually sensitive rural area. The development, would if permitted, completely undermine this landscape designation and would be completely out of character with the area.

Within the site outlined in red, the proposed development seeking retention amounts in a total gross floor space of 1,200sqm within a site size of 5440sqm. This is an extremely high density within a Class 4 rural landscape and doesn't even include the applicants existing house and garage to the west.

Limestone Pavement is located in this area and is identified as a priority habitat as part of the Conservation Objectives of the Coole Garryland Complex SAC. The presence of Limestone at surface on this site is clearly visible from aerial photographs. It also appears that the large mound of excavated stone includes Limestone pavement (See Photo 2). There is a risk that the extensive excavations carried out by Mr. Rock has permanently removed and/or destroyed Limestone Pavement habitat on site.

We see that comprehensive landscaping proposals were submitted as part of Pl. Ref. No. 01/393 (to be carried out in the first planting season), yet these have not been implemented to date. This is a breach of Condition No. 1 & 9, of Pl. Ref. No. 01/393.

We see that screen planning is proposed around the perimeter of the site. Again no details are provided. These are works that are located outside of the application area and also intrude into the Coole Garryland SAC. As the landscaping proposals cannot be delivered within this visually sensitive Class 4 Landscape Sensitivity area, the application should be refused.

8. Traffic Hazard

The expanded commercial development on site generates frequent deliveries of metal girders etc. at irregular hours. Deliveries are facilities by articulated HGV's. The local roads and the site access are of insufficient width, alignment and capacity to cater for the type of traffic generated to and from the site. This creates an inherent conflict with other users of this local road, especially pedestrians of all ages.

HGV's are also habitually parked on the edge of the public road near the site entrance (See Photo 3). This is in breach of Condition No. 5 of Pl. Ref. No. 01/393.

The development should be refused by reason of traffic hazard and public safety.

9. Undesirable Precedent

The 'Development Management Guidelines for Planning Authority, June 2007' provide advice in dealing with large-scale unauthorised development. It advises that *"The planning authority should also act swiftly in relation to large-scale unauthorised development, as visible tolerance of such developments again undermines the law and brings it into disrepute. Also, the non-application of the planning law in relation to large developments could, as stated above, give competitive advantage to the offending developers. In such cases, planning authorities should give consideration to pursuing a prosecution on indictment, notwithstanding the additional complexity of such prosecutions, given the higher penalties that can be imposed under such prosecutions."*

In this situation, the developer should not be rewarded for his large-scale unauthorised development.

10. Health & Safety

We have 3 small children, and we are very concerned for their health and safety owing to the nature of the hazardous and intensive nature of the commercial development next door. This is not a secure site and apart from our supervision, there is nothing to prevent our children wandering into this facility and onto the large unstable mound of excavated limestone on site. This situation is unacceptable beside a family home.

Summary

The applicant has shown a blatant disregard for planning, and also the possibly irreparable damage the works being carried out are doing to the environmentally sensitive landscape in which the proposed development is located. The applicant has also shown a complete lack regard to the sensitivity of our residential amenity.

For the grounds of submission outlined, the proposed development is totally unacceptable and should be refused.

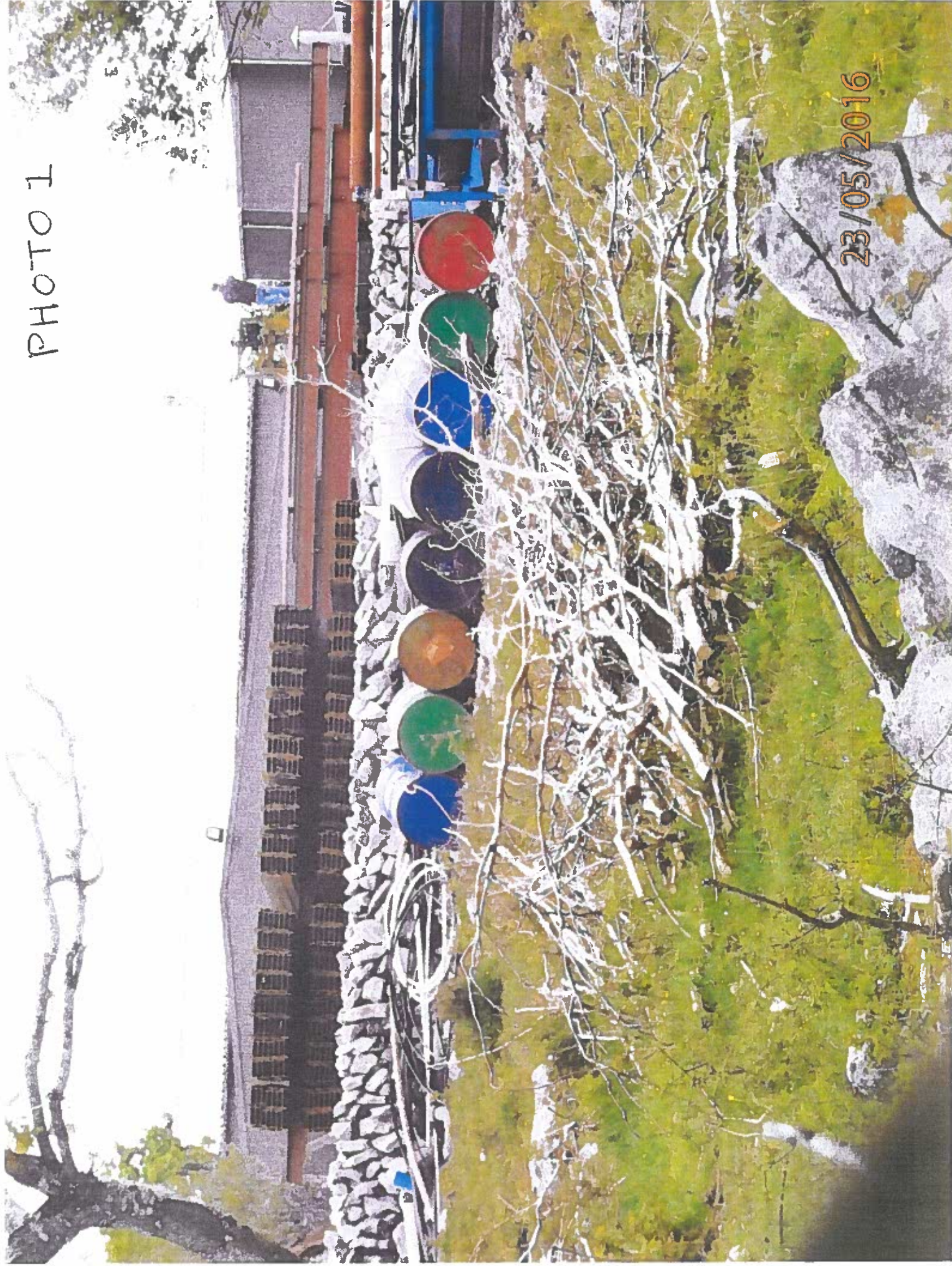
We trust the Council will have full regard to our genuine concerns.

Yours Sincerely,

David Linnane & Aoife Tannian

Attached Fee €20

PHOTO 1



23/05/2016

PHOTO2

28/05/2016



PHOTO3

