



An
Bord
Pleanála

Board Direction
BD-005671-20
ABP-306413-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/04/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the proximity of the subject site to the Inner Galway Bay SPA (004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the absence of seasonal bird surveys for the site, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.
2. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park No 1 Pump Station and the period within which this constraint may reasonably be expected to cease. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which includes key criteria such as context, connections, variety and distinctiveness, it is considered that the proposed development results in poorly defined and overlooked streets and open spaces, a high number of cul-de-sacs, and a lack of variety and distinctiveness in the design of the dwellings, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. Furthermore, it is considered that the development fails to integrate existing trees/woodland satisfactorily into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under chapter 11 of the Galway City Development Plan 2017-2023 which seeks to retain the sylvan character of the landscape. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 29/04/2020

Michelle Fagan