



**An
Bord
Pleanála**

**Board Direction
BD-008082-21
ABP-309253-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/05/2021.

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

The Board did not agree with the Inspector's recommended reason for refusal number 3, and considered that the proposed development subject to compliance with conditions would not result in a substandard form of development and would not seriously injure the residential amenities of future occupants with regard to the design and layout.

Reasons and Considerations

1. Having regard to the location of the subject site 600m north of Lough Rea Special Protection Area (site code 004131) and Lough Rea SAC (00034), and having regard to the information provided with the application, including the content and level of analysis in the submitted Natura Impact Statement and the absence of a Site Specific Flood Risk Assessment and potential impacts on SUDS design and groundwater, 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 Lough Rea Special Protection Area (site code 004131), 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 is in an area which is deemed to be at risk of pluvial flooding, by reference to the Loughrea Local Area Plan 2012-2022 and associated Map 3A Flood Risk Management. Having regard to the provisions of Loughrea Local Area Plan 2012-2022, specifically Objective U17, it is considered that in the absence of a Site Specific Flood Risk Assessment or Justification Test, and adequate information in relation to the risk of flooding and analysis of such risk to the site and of property in the vicinity, that the proposed development would be contrary to the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009 and would be contrary to the proper planning and sustainable development of the area.

3. The Board considers that the development of dwellings on Zone OS lands, would result in a material contravention of the zoning objective as per the Loughrea Local Area Plan 2012-2022 and Galway County Development Plan 2015-2021. As per Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board is precluded from granting permission where the proposed strategic housing development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

4. The Board considers that the density of the proposed development is contrary to the provisions of the section 28 Ministerial Guidelines, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency. The site of the proposed development is on serviced land zoned for phase 1 residential development within the development boundary of Loughrea, which is designated a 'Key Town' in the settlement strategy for the County set out in the Galway County Development Plan 2015-2021. It is considered that the

proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Loughrea and to the established services in the immediate vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Michelle Fagan

Date: 06/05/2021

