

An
Bord
Pleanála

Board Direction
BD-010248-22
ABP-311918-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/03/2022.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, including the Appropriate Assessment Screening report, and having regard to the mitigation measures proposed, and in the absence of a Natura Impact Statement where one is required, the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Galway Bay Complex SAC (00268) and the Inner Galway Bay SPA (04031), in view of the site's Conservation Objectives. It is considered, therefore, that the proposed development would be contrary to the proper planning and sustainable development of the area. In such circumstances, the Board is precluded from granting permission.
2. The proposed development if permitted would contravene a specific objective for these lands in the Galway City Council Development Plan 2017 — 2023, Section 11.2.8 which requires that *"LDR lands at the junction of Gentian Hill – Development shall not exceed a density of 13 houses per hectare and shall be restricted to single storey dwellings"*. The development as proposed, if permitted in the configuration and layout as proposed, would materially contravene the specific objective of the Development Plan for this area,

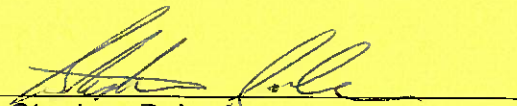
impacting upon the residential amenities and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board could not be satisfied that the proposed temporary silt trap works were not measures designed as mitigation for the protection of the designated sites, and in the absence of a Natura Impact Statement, cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the designated sites.

Furthermore, the Board agreed with the planning authority, that the development, as proposed, would materially contravene the specific objective for this area contained in Section 11.2.8 of the Galway City Council Development Plan 2017 — 2023, and would impact upon the residential amenities in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan

Date: 14/03/2022