



An  
Bord  
Pleanála

**Board Direction**  
**BD-010705-22**  
**ABP-312255-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/05/2022.

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 deficiencies in the information provided in the submitted Natura Impact Statement (NIS), in particular:
  - The lack of wintering bird surveys in relation to SCIs for the Inner Galway Bay SPA;
  - The lack of consideration of groundwater connections to European sites, including potential connection to Calcareous fens with (*Cladium mariscus*) and species of the *Caricion davallianae* and Alkaline fens, which are QI habitats in the Galway Bay Complex SAC;
  - The lack of consideration or mitigation with respect to works (in the form of outlet pipes) in the habitat alongside the Frenchfort Stream and associated impact upon Otter, a QI for the Galway Bay Complex SAC; and
  - With respect to in combination / cumulative effect, the lack of consideration of the occurrence of 'Semi-natural dry grasslands and scrubland facies on calcareous substrates' within the application site which is a QI habitat for the Galway Bay Complex SAC;
  - As well as inconsistencies in the document;

the Board is not satisfied that the proposed development would not adversely affect the integrity of the Inner Galway Bay SPA and Galway Bay Complex SAC, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

2. Having regard to the deficiencies in the submitted Ecological Impact Assessment (EclA), particularly in relation to:

- works proposed alongside the Frenchfort Stream to accommodate outlet pipes for the proposed development, and associated consideration of potential consequential impact upon habitat associated with Kingfisher (an Annex I species) and Otter (an Annex II species);
- inconsistencies and insufficient regard in relation to nesting birds and overwintering birds;

significant permanent adverse impact upon sensitive habitat, protected species and nesting or overwintering birds cannot be excluded. As such, the proposed development is contrary to Objective UI 15 Waterbodies and Watercourses and NH 8 Frenchfort Stream Ecological Corridor of the Oranmore Local Area Plan and Objective NHB 1 Protected Habitats and Species and Objective NHB 14 Protection of Riparian Zones of the Galway County Development Plan 2015-2021. Contrary to the proper planning and sustainable development of the area.

3. The submitted Flood Risk Assessment (FRA) does not demonstrate that the proposed development would not expose future occupants to risk of flooding from all sources and would not increase the risk of flooding elsewhere. As a result, the proposed development is contrary to Objectives FL 1 and FL 2 of the Galway County Development Plan 2015-2021 and Objectives UI 12, UI 14 and UI 16 of the Local Area Plan, as well as The Planning System and Flood Risk Management Guidelines for Planning Authorities. Contrary to the proper planning and sustainable development of the area.

The applicant fails to adequately describe and demonstrate how access can be secured to the site via the Carrowmoneash Road which appears to be in (part) private ownership. As a result, the application is premature and fails to demonstrate convenient access in accordance with Policy TI 2 of the Oranmore Local Area Plan

and DM Standard 2 of the Galway County Development Plan 2015-2021. Contrary to the proper planning and sustainable development of the area.

Board Member



Terry Ó Niadh

Date: 16/05/2022

