



An
Bord
Pleanála

Board Direction
BD-014744-23
ABP-314565-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2023.

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

Reasons and Considerations

1. An Cheathrú Rua is not currently served by a wastewater plant which would cater for the treatment of effluent emanating from the proposal. The proposed development would be premature pending the availability of a wastewater treatment plant to serve the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the areas of communal open space within the proposed development are poorly configured, would not provide usable areas for recreation, would result in potential conflicts between the users of these areas and vehicles, and having regard to their relationship to Units number 3 and 10 would seriously injure the future residential amenity of these properties. The development as proposed would result in a poor quality of residential design that is substandard in its layout and fails to provide high quality usable open spaces. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information submitted with the planning application and the appeal, and having regard to the absence of a wastewater treatment system within

An Cheathrú Rua, with the result that effluent generated from the proposed development would be discharged untreated to the sea at Cashla Bay, 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 Kilkieran Bay and Island SAC (Site Code: 002111), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Note:

In addition, the Board noted that:

- on foot of a Ministerial Direction to Galway County Council on matters relating to the Galway County Development Plan 2022-2028 on the 28th day of September, 2022, specific areas of zoned lands within An Cheathrú Rua, including the appeal site, reverted to un-zoned land and the extent of the settlement boundary was also altered – the appeal site is now designated within a rural typology in the Development Plan;
- unit number 6 has a floor to ceiling height of 2.4 metres that does not comply with SPPR5 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022;
- the proposed development entails (i) access via the estate road in Droim an Bhaire and (ii) connection into the existing surface water and foul sewer, both located within the estate road in Droim an Bhaire. This roadway does not appear to be taken in charge and the applicant has not submitted any evidence of consent to connect into either the surface water sewer or the foul sewer, or to use the road as an access.

However, given the substantive reasons for refusal outlined above, the Board decided not to seek further information in relation to these matters.

Board Member Eamonn James Kelly **Date:** 30/11/2023
Eamonn James Kelly