

An
Bord
Pleanála

Board Direction
BD-016069-24
ABP-317525-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2024.

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

Reasons and Considerations

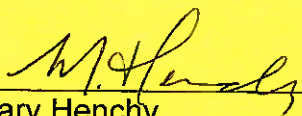
1. The submitted Contaminated Land Risk Assessment indicates the potential presence of contaminated land/soil and a risk to groundwater and surface water receptors (as a result of past site uses). The site is located on lands where the groundwater is categorised as high risk (www.gsi.ie) and it is located c. 260m from the edge of the Galway Bay Complex SAC (European Sie Code 000268) and Inner Galway Bay SPA (Site Code 004031). The site is also within Flood Zone A & B.

On the basis of the information submitted on file and the potential hydrological pathway to the SAC and SPA, the Board therefore cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would be likely to have a significant effect on Galway Bay Complex SAC (European Sie Code 000268) and Inner Galway Bay SPA (European Sie Code Site Code 004031), in view of the site's Conservation Objectives. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development is within flood Zone A & B, as identified by Galway City Development Plan Strategic Flood Risk Assessment 2023 -2029 and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development is overdevelopment of the site having regard to:
 - a. the proximity of the development to the southwest, northwest and northeast boundaries,
 - b. The massing of the building and the overbearance on neighbouring properties and street scape as illustrated by oblique view of the development shown on photomontage View 2

The Board did not concur with the Inspector that the design of the building was acceptable at this city centre location for the reason set out in reason 3 above.

Board Member



Mary Henchy

Date: 12/04/2024