



**An
Bord
Pleanála**

**Board Direction
BD-018916-25
ABP-319685-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/02/2025.

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 location of the site, partially within Flood Zone A and Flood Zone B as indicated in the Galway County Development Plan 2022-2028, Objectives FL2 and FL3 of the development plan, and on the basis of the submissions made in connection with the planning application and appeal, it is considered that the applicant has not adequately demonstrated that the upgrade of the culvert under the R336 would adequately address fluvial flood risk on the site, in particular due to ambiguity regarding the management and monitoring of the culvert to address potential blockages, and that the proposed development would not be at risk from flooding as a result. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the planning application and appeal documentation including the Natura Impact Statement, and the lack of certainty about the mitigation of flood risk on the site, it is considered that it has not been adequately demonstrated that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on Galway Bay Complex Special Area of Conservation (Site Code 000268) or Inner Galway Bay Special Protection

Ares (Site Code 004031) in view of these sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Notes:

- i) The Board considered that on the basis of the submissions on the file that there is conflicting information as to whether there is sufficient collection/conveyance capacity in the foul sewer network in Bearna to cater for the effluent generated by the proposed development. While ordinarily this matter would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue this matter under the current appeal.
- ii) The Board also considered that the proposed development would be overbearing on and give rise to overshadowing of the residential dwelling to the east given the height of the proposed block comprising commercial and residential units on the east of the site and its proximity to the dwelling. While ordinarily this matter would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue this matter under the current appeal.

Board Member

Mary Gurrie
Mary Gurrie

Date: 19/02/2025