

An
Coimisiún
Pleanála

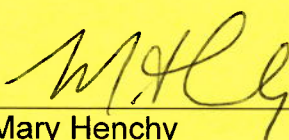
Direction
CD-020303-25
ABP-320555-24

The submissions on this file and the Inspector's report were considered at a meeting held on 18/07/2025.

The Commission decided (2:1) to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Mary Henchy

Date: 22/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

On the basis of the information submitted with the application and appeal, the Board is not satisfied, having regard to the precautionary principle, that there is reasonable scientific certainty that the proposed development would not adversely affect the integrity of a European Site in the vicinity, in the light of the conservation objective and qualifying interests for which this site was designated. In particular, it is considered that there is a risk of contravening the site-specific conservation objective for the Lough Corib Special Area of Conservation (site code 000297). Accordingly, to grant the proposed development would be contrary to Policy Objectives NHB 1-3 of the Galway County Development Plan 2022-2028 which seeks to protect and where possible enhance our natural heritage sites, designated under EU legislation and the

habitats directive, and to the proper planning and sustainable development of the area. Having regard to the uncertainty which exists, in relation to the impact of the development on the qualifying interests and conservation objective and consequently, the integrity of the European Site in the area, the Board is precluded from granting planning permission by reason of Article 6(3) of the EU Habitats Directive and of Section 177V (3) of the Planning and Development Act 2000, as amended.

Note:

The Commission noted the Inspector recommended refusal for six reasons; the Commission did not concur with the inspector regarding five of the recommended reasons for refusal for the following reasons.

- The Commission did not consider the proposed development to be contrary to policy objectives PM1, PM10 and PM 11. The design of the structure to be retained was considered bespoke and appropriate in this instance as its design is site specific.
- The Commission did not consider the proximity of the town core ACA a reason for refusal, the river was considered to create a natural buffer between the ACA and the site.
- The Commission considered the separation distance from residential dwellings ameliorated any impact regarding overlooking. Further mitigation could be provided by way of conditions, if the Commission had been recommending a grant.
- Finally noting the mix of uses on the site and the modest scale of the development proposed the Commission considered that traffic hazard was not an issue, if the Commission were granting permission consideration would have been given to conditioning that carparking arrangement and layout on site be agreed with the Planning Authority.