

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway County**

**Planning Register Reference Number: 15/701**

An Bord Pleanála Reference Number: PL 07.246240

**APPEAL** by Athenry Co-operative Livestock Mart Limited care of John Diskin and Associates of Stradbally North, Clarinbridge, County Galway against the decision made on the 3<sup>rd</sup> day of February, 2016 by Galway County Council to refuse permission.

**PROPOSED DEVELOPMENT:** The construction of 842 nett square metres of retail shopping space, 60 nett square metres of office space and 620 nett square metres of warehouse space at Prospect, Athenry, County Galway.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the following:

- the provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012,
- the Galway County Development Plan 2015 -2021, and
- the Athenry Local Area Plan 2012,

the Board considered that the proposed development of a retail unit, warehouse and ancillary office unit on an edge-of centre greenfield site, close to residential areas and other commercial development, on a road network that has not been demonstrated to be capable of accommodating the likely increase in traffic generated by the proposed development and having regard to the lack of consideration of alternative sites and the sequential approach to retail development, would not be in accordance with national or local planning policies and would, therefore, be contrary to the proper planning and sustainable development of the area and decided to refuse permission for the following reasons:

1. There is a high level of vacancy rates and of undeveloped lands in the Town Centre/Commercial C1 and C2 land use zoning areas as shown in the Athenry Local Area Plan, 2012. It is considered that the Retail Impact Statement submitted has not given sufficient regard to the sequential approach and possible alternative sites within the town centre nor has it adequately assessed the impact of the proposed development on existing bulky goods retail floorspace in Athenry and the surrounding hinterland. The proposed development would, therefore not, be in compliance with section 4.4 of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012 and would accordingly, be contrary to the Ministerial Guidelines. Having regard to the edge of town location of the site, it is considered that the proposed development on this greenfield site on land outside the town walls of Athenry would represent a significant threat to the vitality and viability of the town centre, would materially contravene development Objective ED4 of the Athenry Local Area Plan, 2012 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would be premature by reference to the existing deficiencies in the provision of sewerage facilities and pending the availability of the upgrade in the capacity of the public sewer and town wastewater treatment plant to serve the existing development and to facilitate the orderly expansion of the town of Athenry. The proposed development would be contrary to objectives WW1 and DS5 of the Galway County Development Plan 2015 - 2021 and objectives UI2 and DS5 of the Athenry Local Area Plan, 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. In the absence of a Traffic Impact Assessment and Road Safety Audit, insufficient information has been submitted to the Board demonstrating how the proposed development would safely manage the likely traffic generated by the proposed development on the busy local road network that serves a number of residential and commercial developments. The proposed development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site has not been shown to be capable of accommodating safely. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard. The proposed development would be contrary to policy TII 14 of the Athenry Local Area Plan, 2012.

4. On the basis of the submissions on file and to the Inspector's assessment, which is noted and adopted, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European site - Galway Bay Complex Special Area of Conservation (Site Code 000268) in view of the conservation objectives of this site.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**