



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 18/405

APPEAL by Galway Atlantaquaria Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 14th day of February, 2019 by Galway City Council to refuse permission for the proposed development.

Proposed Development: The extension of the existing aquarium to incorporate a purpose built Penguinarium comprising the following works: construction of penguin pool and beach areas, construction of enclosure wall, with viewing apertures and external seating, change of use of portion of existing interpretive centre building to provide quarantine, food preparation and plant room areas, construction of landscaped amenity area and construction of new entrance plaza and canopy. The proposed development includes for all landscaping, boundary treatments and site development works, connection to existing services and all other works necessary to facilitate the proposed development at Seapoint Promenade, Salthill, Galway.

Decision

REFUSE permission for the above proposed development in accordance with 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

1. Notwithstanding the existence of a structure on the site (the former tourist office), the subject site is predominantly open and undeveloped. The zoning objective for the site is Recreational Amenity (RA), under Section 11.2.2 of the Galway City Development Plan 2017-2023, where “outdoor recreation” is permitted and where “buildings of a recreational, cultural and educational nature” are permitted where they are “related to and secondary to the primary use of land/water body for outdoor recreation”. It is considered that the proposed development would be incompatible with this zoning, as it involves the provision of buildings and structures which are unrelated to the use of the land in question for outdoor recreation. Furthermore, by reason of the proposed nature and use, coupled with the intensity of the operation housed in an unroofed structure, it is considered that the proposed development would be likely to generate a level of nuisance, in particular in respect of noise and odours, that would seriously injure the residential amenities of neighbouring properties, which are high density residential apartments and their associated balconies/outdoor living areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Under Section 10.3 of the Galway City Development 2017-2023, it is an objective to “ensure high quality in the design of new developments which has regard to the distinctive character of Salthill”. Having regard to the prominent location of the site within Salthill and to the open nature of the site and its zoning for Recreational Amenity, it is considered that the design of the proposed development, which is characterised by high and expansive blank walls with a bright rendered finish, would be lacking in sufficient quality for a prominent and public location such as this, would have a visually obtrusive and negative impact, and would be detrimental to the visual amenities and architectural character of the area. The proposed development would, therefore, be in conflict with the objectives of the City Development Plan and would be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2019.