



An
Bord
Pleanála

Board Order ABP-304339-19

Planning and Development Acts, 2000 to 2019

Planning Authority: Galway County Council

Application by Galway County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 29th day of April, 2019.

Proposed Development: Construction of a housing development of 13 number units, comprising of nine number single-storey two-bed dwellings, four number two-storey two-bed dwellings, car parking, provision of green space, connection to existing services and all ancillary site development works at Claremount, Oughterard, County Galway.

Decision

Refuse to Approve 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

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Lough Corrib Special Area of Conservation (site code: 000297) and the Lough Corrib Special Protection Area (site code: 004042) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposal for the Lough Corrib Special Area of Conservation (site code: 000297) and the Lough Corrib Special Protection Area (site code: 004042) in view of the sites' Conservation Objectives.

In completing the assessment, the Board considered, in particular,

- (i) the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the Conservation Objectives for these European Sites, and
- (iv) the views of the Department of Culture, Heritage and the Gaeltacht.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

1. The Board is not satisfied that the local authority has demonstrated that the proposed development would not adversely affect the integrity of the European Sites, the Lough Corrib Special Area of Conservation (site code: 000297) and the Lough Corrib Special Protection Area (site code: 004042), in view of the sites' Conservation Objectives, as the proposed development would entail site clearance, excavation and piling operations in proximity to the adjoining tributary of the Owenriff River, which forms part of the Lough Corrib Special Area of Conservation (site code: 000297), and which contains a population of Freshwater Pearl Mussel downstream of the confluence of these two watercourses. In addition, it is concluded that there is a lack of surveys of mammals, birds or other aspects of biodiversity along the stream channel where there is potential for local or nearby otter, badger and bat presence and usage of the site. In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the above-mentioned European Sites in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from approving the proposed development.

2. The Ministerial Guidelines "Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May 2009 recommends a sequential and co-ordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the residential zoning objective for the site within the expired local area plan, it is considered that the site is located in an area which is remote and isolated from the village core and its development would not be in line with the orderly expansion of the settlement. Having regard to the lack of a pedestrian linkage and the excessive walking distance to the centre of Oughterard, the absence of public transport to the village centre and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Ministerial Guidelines and to the proper planning and sustainable development of the area.

