



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th day of January 2020 by Kegata Limited care of MKO Planning, Tuam Road, Galway.

Proposed Development

A planning permission for a strategic housing development at Rosshill, Galway, in the townlands of Merlin Park, Roscam and Murrough.

The development will consist of:

- (a) Residential development consisting of 342 number units, comprising 185 number houses and 157 number apartments, including a ground-floor community space, office, café, retail unit;
- (b) A two-storey childcare facility;
- (c) The provision of public realm landscaping including shared public open space and play areas, public art, public lighting, resident and visitor parking including car rental bays, electric vehicle charging points and bike rental spaces;
- (d) Pedestrian, cyclist and vehicular links throughout the development;
- (e) Access road and junction improvements at Rosshill Road/Old Dublin Road;
- (f) Provision of all associated surface water and foul drainage services and connections including pumping station, and
- (g) All associated site works and ancillary services.

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

1. Having regard to the proximity of the subject site to the Inner Galway Bay Special Protection Area (site code 004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the absence of seasonal bird surveys for the site, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay Special Protection Area (site code 004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.
2. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Merlin Park Number 1 Pump Station and the period within which this constraint may

