

Board Order ABP-306413-20

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.
- 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

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reasonably be expected to cease. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to the "Urban Design Manual – a Best Practice Guide" issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which includes key criteria such as context, connections, variety and distinctiveness, it is considered that the proposed development results in poorly defined and poorly overlooked streets and open spaces, a high number of cul-de-sacs, and a lack of variety and distinctiveness in the design of the dwellings, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. Furthermore, it is considered that the development fails to integrate existing trees/woodland satisfactorily into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under chapter 11 of the Galway City Development Plan 2017-2023 which seeks to retain the sylvan character of the landscape. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this day of 2020

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