

Planning and Development Acts 2000 to 2020

Planning Authority: Galway County 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 25th day of January 2021 by Rocktop Asset Management Limited care of KPMG Future Analytics of 1 Stokes Place, Dublin 2.

Proposed Development comprises of the following:

1. The construction of 104 number residential dwellings within the first two number development phases of an overall masterplan for the larger landbank which is envisaged to accommodate a total of 341 number residential units when completed.
 - Phase 1 shall comprise 40 number dwellings including 20 number two-bed two storey houses, 18 number three-bed two storey houses and two number four-bed two storey houses (10 number mid terrace and 30 number semi-detached units),
 - Phase 2 shall comprise 64 number dwellings including 20 number two-bed two storey houses, 34 number three-bed two storey units and 10 number four-bed two storey houses (10 number mid-terrace, 52 number semi-detached and two number detached units),
2. Private amenity space for the proposed dwellings will be provided in the form of rear gardens.

3. The development includes a circa 1.806 hectares public park, public open spaces areas, three number playgrounds and a community facility building (circa 199.2 square metres).
4. The proposal provides for a total of 223 number car parking spaces (including 11 number disabled spaces), and 64 number secure bike parking spaces all at surface level.
5. Vehicular access to the site will be provided from existing access point on Athenry road and internal estate roads serving Cois Furáin residential estate constructed under Galway County Council Planning Register Reference: 051150; Pedestrian connections are proposed with lands to the south east of the application site; and to the east and west of the proposed public park connecting future development lands under the applicants ownership.
6. The proposed development also includes modifications to the vehicular access and egress point on Athenry Road, all associated site development works above and below ground including hard and soft landscaping, boundary treatments, lighting, drainage and service works necessary to facilitate the development.

Development of the currently proposed Phases 1 and 2 form part of an overall Masterplan for adjoining lands. A detailed Masterplan has been prepared for the larger landbank to accommodate a total of 341 number residential units and is included in the submitted documentation for context, clarity and information purposes. The detailed Masterplan provides an overview of how the lands are envisaged to be developed in the future through Phases 3 to 6. The majority of the current application (namely Phases 1 and 2) are zoned 'Residential Phase 1' (R) under the Galway County Development Plan 2015-2021 and the Loughrea Local Area Plan 2012 (extended to 2022), under which the proposed use is permitted in principle. The proposed public park is located on lands zoned 'Open Spaces and Recreation and Amenity' all located Cosmona, Loughrea, 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

1. Having regard to the location of the subject site 600 metres north of Lough Rea Special Protection Area (Site Code: 004131) and Lough Rea Special Area of Conservation (Side Code: 000304), and having regard to the information provided with the application, including the content and level of analysis in the submitted Natura impact statement and the absence of a Site Specific Flood Risk Assessment and potential impacts on Sustainable Drainage Systems design and groundwater, 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 Lough Rea Special Protection Area (Site Code: 004131), 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 is in an area which is deemed to be at risk of pluvial flooding, by reference to the Loughrea Local Area Plan 2012-2022 and associated Map 3A Flood Risk Management. Having regard to the provisions of Loughrea Local Area Plan 2012 (extended to 2022), specifically Objective U17, it is considered that in the absence of a Site Specific Flood Risk Assessment or Justification Test, and adequate information in relation to the risk of flooding and analysis of such risk to the site and of property in the vicinity, that the proposed development would be contrary to the provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board considers that the development of dwellings on Zone OS lands, would result in a material contravention of the zoning objective as per the Loughrea Local Area Plan 20122012 (extended to 2022), and Galway County Development Plan 2015-2021. As per Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the Board is precluded from granting permission where the proposed strategic housing development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

4. The Board considers that the density of the proposed development is contrary to the provisions of the section 28 Ministerial Guidelines, Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009 which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The site of the proposed development is on serviced land zoned for Phase 1 residential development within the development boundary of Loughrea, which is designated a 'Key Town' in the settlement strategy for the County set out in the Galway County Development Plan 2015-2021. It is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built up area of Loughrea and to the established services in the immediate vicinity. The proposed development would, therefore, 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 14th day of May 2021