

An  
Bord  
Pleanála

Board Order  
ABP-310615-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 20/240**

**Appeal** by Summix BNM Developments Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 26<sup>th</sup> day of May, 2021 by Galway City Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of the vacant industrial structure (115 square metres), the external canopy structure (170 square metres) and the boundary walls along the southern, western and north-western boundaries of the site and the construction of a part three number to part 11 number storey hotel providing 186 number bedrooms (8,939 square metres) incorporating food and beverage areas and a roof top bar/function area and terrace. The development will also include: a restaurant, coffee bar, hard and soft landscaping, terraces, the provision of a service lay-by off Bothar na Long, access to the ESB substation off Lough Atalia Road, bicycle parking, plant, solar panels, signage, localised repair and rebuilding of the shared boundary wall with Forthill Cemetery to the north, and all other associated site works above and below ground, all on a 0.2217-hectare site at the corner of Lough Atalia Road and Bothar na Long, Galway. The site shares a boundary wall along part of its northern boundary with Forthill Cemetery (a Protected

Structure), as revised by the further public notices received by the planning authority on the 26<sup>th</sup> day of April, 2021.

## **Decision**

**REFUSE permission for the above proposed development for the reasons and considerations set out below.**


## **Reasons and Considerations**

It is considered that, by reason of its proposed height, massing, and volume in conjunction with its extreme proximity to Forthill Cemetery, the development, as proposed, would have a detrimental impact upon the character and setting of this heritage asset. It is considered that the development, as proposed, would contravene Policy 8.1 subsection 2 of the Galway City Development Plan 2023-2029, which seeks to ensure that new development enhances the character or setting of a protected structure, and Policy 8.4 subsection 2, which seeks to ensure that proposed development within the designated city centre Zone of Archaeological Notification is not detrimental to the character of an archaeological site or its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



*WC*

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that, while elements of the proposal, such as the palette of materials reflecting the maritime context and the public realm proposed addressing Bothar na Long were acceptable, the specific form of the proposed development in respect of its massing, scale, volume and height, as it addresses Forthill Cemetery, coupled with the extreme proximity to same, would be overbearing when viewed from this culturally important site. While the Inspector referenced that increased height had been permitted in the vicinity of the cemetery by reference to Bonham Quay and within the Ceannt Station regeneration area, the Board noted that the development permitted on those sites would have greater separation distances from the cemetery, whereas the current site would require further consideration in respect of the most appropriate form of development consistent with its proximity to the cemetery. While the Board agreed that the redevelopment of this underutilised site would be a planning gain, such redevelopment needs to be specifically considered in respect of the impacts arising on the immediate receiving environment, in particular Forthill Cemetery, and it was not considered that the development, as proposed, in this instance would satisfactorily address this requirement.



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**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *28<sup>th</sup>* day of *June* 2023.