



Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th day of December 2021 by Torca Construction Limited care of MKO of Tuam Road, Galway.

Proposed Development comprises of the following:

- (1) The construction of 101 number residential units across five number blocks consisting of:
 - (a) **Block A:** four storey block comprising:
 - two number one-bedroom apartments,
 - 23 number two-bedroom apartments and
 - 10 number three-bedroom duplex apartments.
 - (b) **Block A.1:** four storey block comprising:
 - two number one-bedroom apartments;
 - 13 number two-bedroom apartments and
 - six number three bedroom duplex apartments.
 - (c) **Block B:** three storey block comprising:
 - two number one-bedroom apartments,
 - 13 number two-bedroom apartments and



- 10 number three-bedroom duplex apartments.
- (d) **Block C:** three storey block comprising:
- six number two-bedroom apartments and
 - four number three-bedroom duplex apartments.
- (e) **Block C.1:** three storey block comprising:
- two number one bedroom apartments,
 - four number two-bedroom apartments and
 - four number three-bedroom duplex apartments.
- (2) Provision of a detached (202 square metres) creche facility including a secure outdoor play area;
- (3) Provision of wastewater pumping station (218.9 square metres);
- (4) New vehicular and pedestrian access via Carrowmoneash Road;
- (5) Provision of 133 number car parking spaces;
- (6) Provision of central landscaped courtyard and public open space, bicycle parking, bin storage, Electricity Supply Board Substation (10.84 square metres), public lighting, site landscaping, boundary treatments, Sustainable Urban Drainage Systems drainage including swales and associated services, signage, solar photovoltaic panels, and all associated site development works all located at Station Road, Carrowmoneash, Oranmore, County Galway.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.



Reasons and Considerations

1. Having regard to the deficiencies in the information provided in the submitted Natura impact statement, in particular:

- The lack of wintering bird surveys in relation to Special Conservation Interests for the Inner Galway Bay Special Protection Area (Site Code: 004031);
- the lack of consideration of groundwater connections to European Sites, including potential connection to Calcareous fens with (*Cladium mariscus*) and species of the *Caricion davallianae* and Alkaline fens, which are QI habitats in the Galway Bay Complex Special Area of Conservation (Site Code: 000268);
- the lack of consideration or mitigation with respect to works (in the form of outlet pipes) in the habitat alongside the Frenchfort Stream and associated impact upon Otter, a QI for the Galway Bay Complex Special Area of Conservation (Site Code: 000268); and
- with respect to in combination and cumulative effect, the lack of consideration of the occurrence of 'Semi-natural dry grasslands and scrubland facies on calcareous substrates' within the application site which is a QI habitat for the Galway Bay Complex Special Area of Conservation (Site Code: 000268);
- as well as inconsistencies in the documentation;

the Board is not satisfied that the proposed development would not adversely affect the integrity of the Inner Galway Bay Special Protection Area (Site Code: 004031) and Galway Bay Complex Special Area of Conservation (Site Code: 000268), in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

2. Having regard to the deficiencies in the submitted Ecological Impact Assessment, particularly in relation to:

- works proposed alongside the Frenchfort Stream to accommodate outlet pipes for the proposed development, and associated consideration of potential consequential impact upon habitat associated with Kingfisher (an Annex I species) and Otter (an Annex II species);
- inconsistencies and insufficient regard in relation to nesting birds and overwintering birds;

significant permanent adverse impact upon sensitive habitat, protected species and nesting or overwintering birds cannot be excluded. As such, the proposed development is contrary to Objective UI 15 Waterbodies and Watercourses and NH 8 Frenchfort Stream Ecological Corridor of the Oranmore Local Area Plan 2012-2022 and Objective NHB 1 Protected Habitats and Species and Objective NHB 14 Protection of Riparian Zones of the Galway County Development Plan 2015-2021 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The submitted Flood Risk Assessment does not demonstrate that the proposed development would not expose future occupants to risk of flooding from all sources and would not increase the risk of flooding elsewhere. As a result, the proposed development is contrary to Objectives FL 1 Flood Risk Management and Assessment and FL 2 Surface Water Drainage and Sustainable Drainage Systems of the Galway County Development Plan 2015-2021 and Objectives UI 12 Flood Risk Management and Assessment, UI 14 Flood Risk Management and UI 16 Lands North of Frenchfort Stream of the Oranmore Local Area Plan 2012-2022, as well as 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



The applicant fails to adequately describe and demonstrate how access can be secured to the site via the Carrowmoneash Road which appears to be in (part) private ownership. As a result, the application is premature and fails to demonstrate convenient access in accordance with Policy TI 2 of the Oranmore Local Area Plan 2012-2022 and DM Standard 2 Multiple Housing Schemes (Urban Areas) of the Galway County Development Plan 2015-2021 and would, therefore, be contrary to the proper planning and sustainable development of the area



Terry Ó Niadh

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 17th day of May, 2022