



An
Bord
Pleanála

Board Order

ABP-312326-21

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 21/1838

Appeal by Evan Lenihan care of Billy Moore Consulting of 2 The Elms, John's Hill, Waterford against the decision made on the 29th day of November, 2021 by Galway County Council to refuse permission.

Proposed Development: Infilling of a 3.78-hectare site for agricultural improvement purposes, with greenfield soil and stone, and all associated site works and services to facilitate the development, all at Keernaun, Headford, County Galway.

Decision

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

Reasons and Considerations

1. It is considered that the proposed development, which would result in an intensification of use of a private roadway onto the N84 National Secondary Road at a point where the speed limit of 100 kilometres per hour speed control zone applies, and the additional and conflicting traffic movements generated by the proposed development, would interfere with the safety and free flow of traffic on the public road and would, therefore, endanger public safety by reason of a traffic hazard.
2. The proposed development would be contrary to specific policy objectives NR1 (Protection of Strategic Roads) and NR4 (New Accesses Directly on National Roads) of the Galway County Development Plan 2022-2028 which seek to protect and preserve the strategic function of national routes. The proposed development would undermine the achievement of these policy objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board noted that the 'Appropriate Assessment Screening Report' received by the planning authority on the 6th day of October, 2021 did not appear to consider the potential hydrogeological pathway in assessing likely significant effects on Natura 2000 sites. The applicant's Appropriate Assessment screening exercise concluded that there were no potential significant effects on any Natura 2000 sites arising from the proposed development and Appropriate Assessment (Stage 2) was not needed. This appears to conflict with the applicant's 'Phase 1 Updated Hydrogeological Assessment' received by the planning authority on the same date. The Board noted that the vulnerability of the groundwater underlying the application site is classified as extreme based on the presence of shallow and exposed bedrock at the site, as stated in section 5 'Hydrogeological Conceptual Site Model' of the aforementioned Hydrogeological Assessment. Furthermore, that assessment goes on to state

that the groundwater in the area is anticipated to discharge to the Lough Corrib Special Area of Conservation (Site Code: 000297) and the Lough Corrib Special Protection Area (Site Code: 004042). Having regard to, inter alia, that identified vulnerability and anticipated groundwater discharge to those Natura 2000 sites, the applicant's Hydrogeological Assessment recommends a number of mitigation measures (ref. section 7 'Proposed Mitigation Measures' of the Hydrogeological Assessment). Having regard to this apparent conflict arising between the applicant's Appropriate Assessment Screening Report and the Hydrogeological Assessment, the Board was not satisfied that the proposed development would not be likely to have a significant effect on the Lough Corrib Special Area of Conservation (Site Code: 000297) or the Lough Corrib Special Protection Area (Site Code: 004042), in view of the sites' Conservation Objectives.



Tom Rabbette

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

Dated this 13th day of Sept. 2023.