An Bord Pleanála

Board Order
ABP-314326-22

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022

Údarás Pleanála: Comhairle Contae na Gaillimhe

Uimhir Thagartha an Chláir Phleanála: 2260156

ACHOMHARC ó Noel Ó Mainín faoi chúram Planning Consultancy Services i Svuít 3, An Tríú Urlár, Teach an Rois, Plás Victoria, An Fhaiche Mhór, Gaillimh in aghaidh cinnidh a rinneadh an 15 Iúil, 2022 ó Chomhairle Contae na Gaillimhe chun cead a dhiúltú do Noel Ó Mainín.

An Fhorbairt atá Beartaithe: Beidh an forbairt comhdhéanta de (1) Foirgneamh 2 stór le húsáid mheasctha atá ann cheana a scartáil, (2) Foirgneamh nua cónaithe agus oifige 2/3 stór ar airde a thógáil, ina mbeidh 7 árasán dhá urlár, le 2 sheomra an ceann, ag leibhéal bunurlár agus an chéad urláir, 2 árasán 3 sheomra an ceann ar leibhéal an dara hurlár agus 1 aonad oifige ar an bunurlár. (3) Stóras bruscair / seid rothar a sholáthar, (4) Mionathruithe ar leagan amach an chórais cóireála eisiltigh a ceadaíodh roimhe seo faoi Pl. Tag. 21/52, (5) Coinníoll Uimhir 11 ar Pl. Tag. Uimhir 21/52 a athrú, (6) Bealach isteach feithicle atá ann cheana féin agus úsáid an bhóthair rochtana feithiclí agus bealach isteach ar bhóthar an chósta R336 ceadaithe faoi Pl. Tag. Uimhir 21/52, 20/336 & 17/1118 a dhúnadh (7) Athbhreithnithe ar leagan amach an tsuímh lena n-áirítear líne foirgnimh/sráid-dreach nua le páirceáil agus spás oscailte pobail ar a chúl, mar aon leis na seirbhísí suímh go léir a bhaineann leis, oibreacha suímh agus tírdhreachtú. Cnocán an Bhodaigh, Na Forbacha, Contae Na Gaillimhe.

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An Cinneadh

Cead a DHIÚLTÚ don fhorbairt bheartaithe thuas de réir na gcúiseanna agus nithe a cuireadh san áireamh agus atá leagtha amach thíos.

Cúiseanna agus Nithe a Cuireadh san Áireamh

1. Ag féachaint do nádúr neamhsheirbhísithe Na Forbacha, go sonrach an easpa áiseanna bonneagair phoiblí atá ann cheana nó atá beartaithe do chóireáil agus diúscairt uisce bréan, do nádúr na forbartha a bheartaítear, lena n-áirítear naoi n-aonad cónaithe, agus don togra chun freastal ar an bhforbairt le hionad cóireála fuíolluisce roinnte, meastar go mbeadh an fhorbairt bheartaithe contrártha le Cuspóir Beartais SS7 de Phlean Forbartha Contae na Gaillimhe 2022-2028, a éilíonn go ndéanfar forbairt i Lonnaíochtaí Tuaithe agus i Nóid Tuaithe (Leibhéal 7) a mheas ar bhonn, *inter alia*, acmhainn bhonneagair, Cuspóir Beartais RC5 de Phlean Forbartha Contae na Gaillimhe 2022-2028, a thacaíonn le cnuasach de chúig theach nó níos lú le hionaid chóireála fuíolluisce aonair ar thailte gan seirbhís i sráidbhailte, agus Cuspóir Beartais RC6 de. i bPlean Forbartha Contae na Gaillimhe 2022-2028, ina bhforáiltear go mbreithneofar forbairtí il-tithe laistigh de lorg sráidbhailte faoi réir, *inter alia*, seirbhísí. Ina theannta sin, meastar nach gcloíonn an fhorbairt bheartaithe le 'Córais Chóireála do Phobail Bheaga, Gnólachtaí, Ionaid Fóillíochta agus Óstáin', a d'eisigh an Ghníomhaireacht um Chaomhnú Comhshaoil i 1999 maidir le fad deighilte idir forbairt chónaithe agus ionaid chóireála fuíolluisce. Mar sin bheadh an fhorbairt atá beartaithe contrártha le pleanáil chuí agus forbairt inbhuanaithe an limistéir.

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2. Ag féachaint do shuíomh na forbartha a bheartaítear ar thaobh na farraige den R336, laistigh de thíopeolaíocht 'Tírdhreacha Cósta' le 'íogaireacht speisialta', agus feadh Bhealach Sárscéimhe Chuan na Gaillimhe mar atá leagtha amach i bPlean Forbartha Chontae na Gaillimhe 2022-2028, meastar go mbeadh an fhorbairt bheartaithe, mar gheall ar a scála, a mais agus a dearadh, feiceálach agus go dteipfeadh uirthi comhtháthú le tírdhreach an chósta ag an láthair seo. Dá bhrí sin, dhéanfadh an fhorbairt bheartaithe díobháil thromchúiseach do thaitneamhachtaí amhairc agus do charachtar tírdhreacha an tsuímh cois cósta seo agus bheadh sé contrártha le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

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Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 2260156

APPEAL by Noel Ó Mainín care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 15th day of July, 2022 by Galway County Council to refuse permission to Noel Ó Mainín.

Proposed Development: The proposed development will comprise (1) the demolition of an existing two-storey building for mixed use, (2) the erection of a new residential and office building of two/three floors, containing seven two-storey apartments, each containing two rooms, on ground floor level and first floor level, two three-room apartments on second-storey level and one office unit on the ground floor, (3) provision of refuse store/bike shed, (4) modifications to layout of the effluent treatment system permitted previously under planning register reference number 21/52, (5) condition number 11 on planning register reference change to number 21/52, (6) existing vehicular entrance and use of access road for vehicles and entrance on coast road R336 permitted under planning register reference closure of numbers 21/52, 20/336 and 17/1118, (7) revisions of site layout including new buildings/streetscape with parking and public open space to rear, together with all relevant site services, site work and landscaping; all at Cnocán an Bhodaigh, Na Forbacha, County Galway.

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Decision

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

Reasons and Considerations

1. Having regard to the unserviced nature of Na Forbacha, specifically the absence of existing or proposed public infrastructure facilities for the treatment and disposal of foul water, to the nature of the proposed development, including nine number residential units, and the proposal to serve the development with a shared wastewater treatment plant, it is considered that the proposed development would be contrary to Policy Objective SS7 of the Galway County Development Plan 2022-2028, which requires that development in Rural Settlements and Rural Nodes (Level 7) shall be considered on the basis of, *inter alia*, infrastructural capacity, Policy Objective RC5 of the Galway County Development Plan 2022-2028, which supports the clustering of five houses or less with individual waste water treatment plants on un-serviced lands in villages, and Policy Objective RC6 of the Galway County Development Plan 2022-2028, which provides that multi-house developments within the footprint of villages will be considered subject to, *inter alia*, services. Furthermore, it is considered that the proposed development does not comply with 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', issued by the Environmental Protection Agency in1999 in respect of separation distances between residential development and wastewater treatment plants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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2. Having regard to the location of the proposed development on the seaward side of the R336, within a 'Coastal Landscapes' typology with a 'special sensitivity', and along the Galway Bay Scenic Route as set out in the Galway County Development Plan 2022-2028, it is considered that the proposed development, by reason of its scale, massing and design, would be visually obtrusive and would fail to assimilate into the coastal landscape at this location. The proposed development would, therefore, seriously injure the visual amenities and landscape character of this coastal location and would be contrary to the proper planning and sustainable development of the area.

Eamonn James Kelly

Eamonn James Kelly

Comhalta den Bhord Pleanála atá údaraithe go cuí chun séala an Bhord a fhíordheimhniú	**Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.**

Dátaithe ar an 14ú **lá seo de** Mhí na Nollag **2023**