An Bord Pleanála

Ordú Boird

Board Order

ABP-314565-22

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022

Údarás Pleanála: Comhairle Contae na Gaillimhe

Uimhir Thagartha sa Chlárleabhar Pleanála: 22/60610

ACHOMHARC ó Eoin Ó Flatharta faoi chúram James O'Donnell Planning Consultancy Services, Suite 3, An Tríú hUrlár, Áras Ross, Plás Victoria, An Fhaiche Mhór, Gaillimh in aghaidh cinneadh a rinne Comhairle Contae na Gaillimhe an 10ú lá Lúnasa, 2022 chun cead a dhiúltú.

An Fhorbairt atá Beartaithe: Foirgneamh aon urláir a scartáil agus forbairt chónaithe a thógáil, lena n-áirítear: (a) sé cinn de thithe aon urláir (dhá sheomra leapa), (b) ceithre cinn de thithe leathscoite dhá urlár (trí sheomra leapa), (c) bloc árasán dhá urlár amháin ina bhfuil dhá árasán (dhá sheomra leapa), bóthar rochtana, áiseanna páirceála, seastáin rothair, nasc leis an gcóras séarachais phoiblí, limistéir spáis oscailte phobail agus phríobháideacha, tírdhreachtú agus na hoibreacha agus na seirbhísí láithreáin go léir a bhaineann leis ag Droim an Bhaire, An Cheathrú Rua Thuaidh, Contae na Gaillimhe..

An Cinneadh

Cead a DHIÚLTÚ don fhorbairt bheartaithe thuasluaite de réir na gcúiseanna agus na nithe atá leagtha amach thíos.

Cúiseanna agus Nithe a Cuireadh san Áireamh

1. Níl gléasra fuíolluisce ag freastal ar an gCeathrú Rua faoi láthair a dhéanfadh freastal ar chóireáil eisilteach a thiocfadh ón togra. Bheadh an fhorbairt a bheartaítear ró-luath ar feitheamh ar fhearas cóireála fuíolluisce a bheith ar fáil chun freastal ar an bhforbairt a bheartaítear. Mar sin ní bheadh an fhorbairt bheartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair..

2. Meastar go bhfuil na limistéir spáis oscailte phobail laistigh den fhorbairt a bheartaítear cumraithe go dona, nach soláthródh siad limistéir inúsáidte le haghaidh caitheamh aimsire, go mbeadh coinbhleachtaí féideartha ann idir úsáideoirí na limistéar seo agus feithiclí, agus ag féachaint dá ngaol le hAonaid uimhreacha 3 agus 10 agus dhéanfaí díobháil thromchúiseach do thaitneamhacht chónaithe na réadmhaoine seo amach anseo. Bheadh droch-chaighdeán dearaidh chónaithe mar thoradh ar an bhforbairt mar atá molta, atá faoi bhun an chaighdeáin ina leagan amach agus ní sholáthraíonn sé spásanna oscailte inúsáidte ar ardchaighdeán. Mar sin ní bheadh an fhorbairt bheartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

3. Ar bhonn an eolais a cuireadh isteach leis an iarratas pleanála agus leis an achomharc, agus ag féachaint d'easpa córas cóireála fuíolluisce laistigh den Cheathrú Rua, de bhrí go ndéanfaí an t-eisilteach ginte ón bhforbairt a bheartaítear a scaoileadh amach gan chóireáil isteach an fharraige i mBá Chasla, ní féidir leis an mBord a bheith sásta nach dócha go mbeadh tionchar suntasach ag an bhforbairt bheartaithe ina haonar, nó i gcomhcheangal le pleananna nó tionscadail eile, ar Limistéar Caomhantais Speisialta Chuan agus Oileáin Chill Chiaráin (Cód an Láithreáin: 002111), nó ar aon láithreán Eorpach eile, i bhfianaise chuspóirí caomhantais an láithreáin. In imthosca den sórt sin, tá cosc ar an mBord cead imlíneach a thabhairt.

EJK

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60610

APPEAL by Eoin Ó Flatharta care of James O'Donnell, Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 10th day of August, 2022 by Galway County Council to refuse permission.

Proposed Development: Demolition of a single-storey dwelling and the construction of a residential development consisting of: (a) six number single-storey terraced houses (two-bedroom), (b) four number two-storey semi-detached houses (three-bedroom), (c) one number two-storey apartment block with two apartments (two-bedroom), access road, car parking facilities, bicycle stands, connection to public sewer system, communal and private open space areas, landscaping and all associated site works and services at Droim an Bhaire, An Cheathrú Rua Thuaidh, County Galway.

Decision

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

EJK

Reasons and Considerations

1. An Cheathrú Rua is not currently served by a wastewater plant which would cater for the treatment of effluent emanating from the proposal. The proposed development would be premature pending the availability of a wastewater treatment plant to serve the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the areas of communal open space within the proposed development are poorly configured, would not provide usable areas for recreation, would result in potential conflicts between the users of these areas and vehicles, and having regard to their relationship to Units number 3 and 10 would seriously injure the future residential amenity of these properties. The development as proposed would result in a poor quality of residential design that is substandard in its layout and fails to provide high quality usable open spaces. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

EJK

3. On the basis of the information submitted with the planning application and the appeal, and having regard to the absence of a wastewater treatment system within An Cheathrú Rua, with the result that effluent generated from the proposed development would be discharged untreated to the sea at Cashla Bay, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

Eamonn James Kelly

Eamonn James Kelly

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

Dátaithe an 6ú **lá seo de** mhí na Nollag, **2023**