An Bord Pleanála

Ordú Boird/Board Order

ABP-317423-23

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022

Planning and Development Acts 2000 to 2022

Údarás Pleanála: Comhairle Contae na Gaillimhe

Planning Authority: Galway County Council

Uimhir Thagartha an Chláir Phleanála: 22/965

Planning Register Reference Number: 22/965

Achomharc ó Áine Ní Cheannabháin as Aill na Brun, Cill Chiaráin, Conamara, Contae na Gaillimhe agus ag Cairde Timpeallachta na hÉireann CLG faoi chúram FP Logue Solicitors as 8/10 Coke Lane, Margadh na Feirme, Baile Átha Cliath in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe ar an 24ú lá de Bhealtaine, 2023 cead a thabhairt, faoi réir coinníollacha, d'Údarás na Gaeltachta faoi chúram Niall J. Kearns agus a Chuideachta, Aonad 6, Dún Eibhir, Na Forbacha, Contae na Gaillimhe.

Appeal by Áine Ní Cheannabháin of Aill na Brun, Cill Chiaráin, Connemara, County Galway and by Friends of the Irish Environment CLG care of FP Logue Solicitors of 8/10 Coke Lane, Smithfield, Dublin against the decision made on the 24th day of May, 2023 by Galway County Council to grant subject to conditions a permission to Udarás naGaeltachta care of Niall J. Kearns and Company of Unit 6, Dun Eibhir, Na Forbacha, County Galway.

An Fhorbairt atá Beartaithe: Chun Drioglann Fuisce, Siopa Earraí, Caife, Beár Blaiseadh, Ionad Oidhreachta, agus foirgneamh stórála oscailte, a thógáil, chomh maith le hoibreacha suímh ghaolmhara agus páirceáil. Spás urláir comhlán na n-oibreacha beartaithe ag Roisín na Mainiach, Carna, Contae na Gaillimhe, arna leasú ag fógraí poiblí breise a fuair an t-údarás pleanála ar an 4 Aibreán, 2023.

Proposed Development: Whiskey distillery, goods shop, café, tasting bar, heritage centre, and an open storage structure, as well as relevant site works and parking. Complete floor space for the proposed works at Rusheennamanagh, Carna, County Galway, as revised by the further public notices received by the planning authority on the 4th day of April, 2023.

An Cinneadh

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

Decision

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

Cúiseanna agus Cúrsaí

1. Ag féachaint do na coinníollacha ithreach agus do leochaileacht mhór an screamhuisce, níl an Bord sásta, bunaithe ar an bhfaisnéis a cuireadh ar fáil maidir leis an iarratas pleanála agus leis an achomharc, go bhfuil sé léirithe ag an iarratasóir gur féidir cóireáil agus/nó diúscairt a dhéanamh ar eisilteach ón bhforbairt atá beartaithe. Dá réir sin, d'fhéadfadh an fhorbairt atá beartaithe dochar a dhéanamh do shláinte an phobail agus, dá bhrí sin, bheadh sé contrártha le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

2. Ag féachaint do shuíomh an tsuímh ar thailte ina rangaítear an screamhuisce mar uisce atá go mór i gcontúirt, mar aon lena chóngaraí atá sé do Limistéar faoi Chaomhnú Speisialta Chuan agus Oileáin Chill Chiaráin (Cód an tSuímh: 002111), mar a bhfuil cosán féideartha hidreolaíoch go dtí an Limistéar faoi Chaomhnú Speisialta, ní féidir leis an mBord a chinneadh, gan amhras réasúnach eolaíoch, nach mbeadh drochthionchar ag an bhforbairt atá beartaithe, ina haonar nó i gcomhar le pleananna agus tionscadail eile, ar Limistéar faoi Chaomhnú Speisialta Chuan agus Oileáin Chill Chiaráin (Cód an tSuímh: 002111), Limistéar faoi Chaomhnú Speisialta Choimpléasc Portach Chonamara (Cód an tSuímh: 002034); Límistéar faoi Chosaint Speisialta Choimpléacs Portach Chonamara (Cód Láithreáin: 004181), i bhfianaise chuspóirí caomhantais na Láithreán. I gcás mar sin, tá cosc ar an mBord cead imlíneach a thabhairt don fhorbairt atá beartaithe.

Reasons and Considerations

1. Having regard to the soil conditions and extreme groundwater vulnerability, the Board is not satisfied, based on the information supplied in connection with the planning application and the appeal, that the applicant has demonstrated that effluent from the proposed development can be satisfactorily treated and/or disposed of. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site on lands where groundwater is classified as extreme risk, coupled with its immediate adjacency to the Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), where there is a potential hydrological pathway to the Special Area of Conservation, the Board cannot determine, beyond reasonable scientific doubt, that the proposed development, either by itself or in conjunction with other plans and projects, would not have an adverse impact on the Kilkieran Bay and Islands Special Area of Conservation (Site Code:002111), the Connemara Bog Complex Special Area of Conservation (Site Code: 002034) and the Connemara Bog Complex Special Protection Area (Site Code: 004181) in light of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.

Mick Long
Comhalta den Bhord Pleanála
atá údaraithe go cuí chun séala an Bhoird
a fhíordheimhniú.

Dátaithe an 25th **lá seo de** Iúil **2024.**