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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 23/94**

**APPEAL** by Munster Avenue Developments Limited care of Seán Dockry and Associates Limited of 24 Middle Street, Galway against the decision made on the 9<sup>th</sup> day of June, 2023 by Galway City Council to refuse permission.

**Proposed Development:** Permission for development which consists of the demolition of the existing buildings and the construction of a four-storey mixed use building (retail on ground floor, restaurant and offices on first floor and offices on second and third floor, with a total floor area of 1,657 square metres) and all associated site works; all at Munster Avenue, Galway.

## **Decision**

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

## Reasons and Considerations

1. The submitted Contaminated Land Risk Assessment indicates the potential presence of contaminated land/soil and a risk to groundwater and surface water receptors (as a result of past site uses). The site is located on lands where the groundwater is categorised as high risk ([www.gsi.ie](http://www.gsi.ie)) and it is located circa 260 metres from the edge of the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031). The site is also within Flood Zone A and B as identified by the Galway City Development Plan Strategic Flood Risk Assessment 2023 -2029. On the basis of the submissions made in connection with the planning application and the appeal and the potential hydrological pathway to the Special Area of Conservation and Special Protection Area, the Board is, therefore, not satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would be likely to have a significant effect on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031), in view of the site's conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within flood Zone A and B, as identified by the Galway City Development Plan Strategic Flood Risk Assessment 2023 -2029 and the documentation on file. Having regard to the provisions of the Development Plan in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would constitute overdevelopment of the site having regard to:
- (a) the proximity of the development to the southwest, northwest and northeast boundaries, and
  - (b) the massing of the building and the overbearance on neighbouring properties and street scape as illustrated by oblique view of the development shown on photomontage View 2.

The Board did not concur with the Inspector that the design of the building was acceptable at this city centre location for the reason set out in reason number 3 above.



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**Mary Henchy**

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

Dated this *17<sup>th</sup>* day of *April* 2024.