

An
Bord
Pleanála

**Ordú ón mBord/Board
Order
ABP-319685-24**

**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 ar an gClár Pleanála: 24/60147
Planning Register Reference Number: 24/60147**

Achomharc ó Peter agus Seóna O'Fegan faoi chúram MKO, Bóthar Thuama, Gaillimh, in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 10^ú lá de mhí Aibreán 2024 cead a dhiúltú.

Appeal by Peter and Seóna O'Fegan care of MKO of Tuam Road, Galway against the decision made on the 10th day of April 2024 by Galway County Council to refuse permission.

Forbairt Bheartaithe: 51 aonad cónaithe a thógáil ina mbeidh: 10 dteaghais (seacht gcinn d'aonaid trí sheomra leapa agus trí cinn d'aonaid ceithre sheomra leapa), 41 aonad dhéphléacsacha (ceithre cinn d'aonaid aon seomra leapa, 21 cheann d'aonaid dhá sheomra leapa, agus 16 cinn d'aonaid trí sheomra leapa). Dhá fhoirgneamh tráchtála a thógáil a chumhdóidh 703 mhéadar chearnacha san iomlán agus ina mbeidh: aonaid mhiondíola (99.4 méadar cearnach), spás oifige (324 mhéadar chearnach), agus aonad caifé (90.4 méadar cearnach). Spásanna páirceála carranna agus rothar a sholáthar. Rochtain nua ar an láithreán a sholáthar

d'fheithiclí agus do choisithe. Spás oscailte poiblí, spás oscailte comhroinnte comhchoiteann agus príobháideach, tírdhreachú láithreáin, soilsiú poiblí, stórtha araidí agus seirbhísí láithreáin a sholáthar. Draein lintéir nua a fhorbairt faoi bhun bhóthar an R336/Bhóthar Bhearna. Oibreacha ar bhóthar an R336, lena n-áirítear limistéar stad tuirlingthe den bhus, agus marcanna bóthair a sholáthar. Na hoibreacha coimhdeacha agus gaolmhara láithreáin agus forbartha uile ar na tailte ar an taobh theas de bhóthar an R336, an Chéibh, Bearna, Contae na Gaillimhe, agus iad uile suite ar an gCéibh.

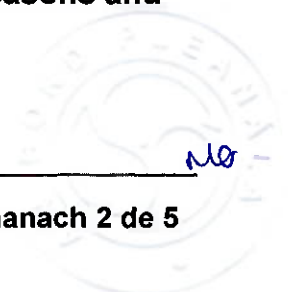
Proposed Development: Construction of 51 number residential units comprising of: 10 number dwellings (seven number three-bed units and three number four-bed units), 41 number duplex units (four number one-bed units, 21 number two-bed units, and 16 number three-bed units). The construction of two number commercial buildings totalling 703 square metres, comprising of: retail units (99.4 square metres), office space (324 square metres), and café unit (90.4 square metres). Provision of car and bicycle parking. Provision of new vehicular and pedestrian access to the site. Provision of public open space, shared communal and private open space, site landscaping, public lighting, bin stores, and site services. Development of a new culverted drain beneath the R336 Bearna Road. Works to the R336, including a bus set-down area, and the provision of road markings. All ancillary and associated site and development works, all at An Chéibh, lands south of the R336, Freeport, Barna, County Galway.

Cinneadh

Cead a DHIÚLTÚ don fhorbairt bheartaithe thuas ar na cúiseanna agus na cúinsí atá leagtha amach thíos.

Decision

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

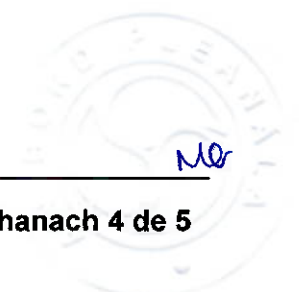


Cúiseanna agus Cúinsí

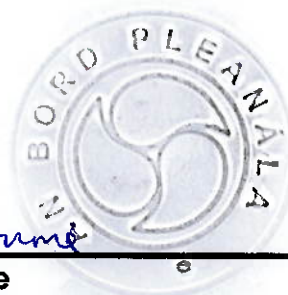
1. Ag féachaint do láthair an láithreáin, agus é suite go páirteach i gCrios Tuile A agus i gCrios Tuile B, mar atá léirithe i bPlean Forbartha Contae na Gaillimhe 2022-2028, agus do Chuspóirí FL2 agus FL3 den phlean forbartha agus, ar bhonn na n-aighneachtaí a rinneadh i dtaca leis an iarratas pleanála agus leis an achomharc, meastar nár léirigh an t-iarratasóir ar bhealach leordhóthanach go dtabharfadh uasghrádú an lintéir faoi bhun bhóthar an R336 aghaidh leordhóthanach ar an riosca do bharthuile ar an láithreán, go háirithe mar gheall ar dhébhí maidir le bainistiú agus faireachán a dhéanamh ar an lintéar chun aghaidh a thabhairt ar bhaic fhéideartha, agus nach mbeadh an fhorbairt bheartaithe i mbaol tuile dá dheasca sin. Dá bhrí sin, bheadh an fhorbairt bheartaithe contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.
2. Ar bhonn na faisnéise a cuireadh isteach in éineacht leis an iarratas pleanála agus leis an achomharc, lena n-áirítear Ráiteas Tionchair Natura, agus ar bhonn na heaspa cinnteachta maidir le maolú an riosca tuile ar an láithreán, meastar nár léiríodh ar bhealach leordhóthanach nár dhócha go mbeadh éifeacht shuntasach ag an bhforbairt bheartaithe, aisti féin nó i gcomhcheangal le pleananna nó tionscadail eile, ar Limistéar Caomhantais Speisialta Choimpléasc Chuan na Gaillimhe (Cód Láithreáin: 000268) nó ar Limistéar Cosanta Speisialta Chuan na Gaillimhe Istigh (Cód Láithreáin: 004031), i bhfianaise Chuspóirí Caomhantais na láithreán sin. Dá bhrí sin, bheadh an fhorbairt bheartaithe contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.

Reasons and Considerations

1. Having regard to the location of the site, partially within Flood Zone A and Flood Zone B, as indicated in the Galway County Development Plan 2022-2028, Objectives FL2 and FL3 of the development plan, and, on the basis of the submissions made in connection with the planning application and the appeal, it is considered that the applicant has not adequately demonstrated that the upgrade of the culvert under the R336 would adequately address fluvial flood risk on the site, in particular due to ambiguity regarding the management and monitoring of the culvert to address potential blockages, and that the proposed development would not be at risk from flooding as a result. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



2. On the basis of the information submitted with the planning application and the appeal, including the Natura Impact Statement, and the lack of certainty about the mitigation of flood risk on the site, it is considered that it has not been adequately demonstrated that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) or the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the sites' Conservation Objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Gurrie

Mary Gurrie

Comhalta den Bhord Pleanála

atá údaraithe go cuí chun

séala an Bhoird a fhíordheimhniú.

Arna dhátú an 25 lá seo de Feabhra 2025.