An Coimisiún Pleanála

Coimisiún Ordú

ABP-319686-24

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: 24/60148

Planning Register Reference Number: 24/60148

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

Forbairt Bheartaithe: Beidh na nithe seo a leanas i gceist leis an bhforbairt bheartaithe:
(1) Ceithre cinn d'fhoirgnimh atá ann cheana ar an láithreán a scartáil (366.67 méadar cearnach), (2) Foirgneamh 2.5 stór a thógáil ina mbeidh na nithe seo a leanas: (a) 18 gcinn d'árasáin (trí cinn d'aonaid aon seomra leapa, 14 cinn d'aonaid dhá sheomra leapa, agus aonad trí sheomra leapa amháin), (b) aonad miondíola amháin (166.3 méadar cearnach), (3) Spásanna páirceála carranna agus rothar a sholáthar ar chúl an láithreáin, (4) Rochtain ar an láithreán d'fheithiclí agus do choisithe, (5) Spás oscailte, lena n-áirítear spás oscailte comhroinnte comhchoiteann agus príobháideach, tírdhreachú láithreáin, soilsiú poiblí, stórtha araidí agus

seirbhísí láithreáin a sholáthar, (6) Oibreacha ar bhóthar an R336, lena n-áirítear marcanna nua bóthair, agus acomhal leathnaithe nua chuig an mbóthar príobháideach a bheidh suite ar an taobh thiar den láithreán atá i gceist, (7) Na hoibreacha coimhdeacha agus gaolmhara láithreáin agus forbartha uile ar na tailte ar an taobh thuaidh de bhóthar an R336, an Chéibh, Bearna, Contae na Gaillimhe, agus iad uile suite ar an gCéibh.

Cinneadh

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

Cúiseanna agus Cúinsí

Ag féachaint don fhaisnéis ar comhad lena dtugtar le fios gur le linn tréimhsí báistí troime a fhorlíontar eisilteach ó stáisiún caidéalúcháin Bhearna, agus in éagmais freagra ó Uisce Éireann (de bhun iarraidh ar shoiléiriú a d'eisigh an Coimisiún faoi alt 131) maidir le cé acu atá nó nach bhfuil forlíonadh ag teastáil agus, i gcás go bhfuil sé ag teastáil, maidir le cé acu a chuireann nó nach gcuireann an forlíonadh sin srian leis an acmhainn atá ag stáisiún caidéalúcháin Bhearna glacadh le fuíolluisce ón bhforbairt, meastar nár léiríodh gur ann d'acmhainn leordhóthanach bailiúcháin/iompair sa líonra séarach bréan i mBearna chun freastal ar an eisilteach a ghinfeadh an fhorbairt bheartaithe agus, dá bhrí sin, bheadh an fhorbairt bheartaithe contrártha do Chuspóir Beartais WW4 (Fuíolluisce) de Phlean Forbartha Contae na Gaillimhe 2022-2028, lena gceanglaítear nach gceadófaí aon fhorbairt nua ach amháin i gcás go mbeadh acmhainn dhóthanach ar fáil le haghaidh bailiú cuí agus cóireáil agus diúscairt chuí. Dá bhrí sin, bheadh an fhorbairt bheartaithe contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.

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.

Proposed Development: The proposed development will consist of the following:
(1) The demolition of the four number existing buildings on the site (366.67 square metres), (2) The Construction of a 2.5 storey building comprising: (a) 18 number apartments (three number one-bed units, 14 number two-bed units, and one number three-bed unit), (b) one number retail unit (166.3 square metres), (3) Provision of car and bicycle parking to the rear of the site, (4) Vehicular and pedestrian access to the site, (5) Provision of open space, including shared communal and private open space, site landscaping, public lighting, bin stores, and site services, (6) Works to the R336 including, new road markings, and a new widened junction to the private road to the west of the subject site, (7) All ancillary and associated site and development works, all at An Chéibh, Lands North of the R336, Freeport, Barna, County Galway.

Decision

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

Reasons and Considerations

Having regard to the information on file which indicates that the practice of tankering effluent from Bearna pumping station occurs during periods of heavy rainfall, and in the absence of a response from Uisce Éireann (on foot of a Section 131 request for clarification issued by the Commission) as to whether tankering is required, and whether such tankering, if required, restricts the capacity at Bearna pumping station to accept wastewater from the development, it is considered that it has not been demonstrated that there

is adequate collection/conveyance capacity in the foul sewer network in Bearna to cater for the effluent generated by the proposed development, and as such the proposed development would be contrary to Policy Objective WW4 (Wastewater) of the Galway County Development Plan 2022-2028, which requires that new developments will only be permitted which are adequately serviced with sufficient capacity for appropriate collection, treatment and disposal. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Gurrie

Mary Gurrie

Comhalta den Coimisiún Pleanála atá údaraithe go cuí chun séala an Coimisiún a fhíordheimhniú

Member of An Commission Pleanála duly authorised to authenticate the seal of the Commission.

Arna dhátú an 23 **lá seo de** Meitheamh **2025**