



An
Bord
Pleanála

Ordú ón mBord
ABP-320677-24

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: 2460693

Planning Register Reference Number: 2460693

ACHOMHARC ó Valcris Limited faoi chúram Hughes Planning and Development Consultants, 85 Cearnóg Mhuirfean Theas, Baile Átha Cliath Theas, in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 31^ú lá de mhí Iúil 2024 cead a dhiúltú.

Forbairt Bheartaithe: Cead le haghaidh na nithe seo a leanas: (i) forbairt cónaithe a thógáil, ina mbeidh 64 cinn d'aonaid (38 gcinn d'aonaid trí sheomra leapa agus 26 cinn d'aonaid dhá sheomra leapa), a chuimseoidh teaghaisí agus aonaid dhéphléacsacha i seacht gcinn de bhloic mar a leanas: - 12 cheann de thithe dhá stór trí sheomra leapa (sé cinn de Thithe Chineál H1 agus sé cinn de Thithe Chineál H2) i dtrí cinn de bhloic, agus spás príobháideach taitneamhachta ann ar an gcúl; - Bloc D1 agus Bloc D2, ina mbeidh 32 cheann d'árasáin dhéphléacsacha (16 cinn d'árasáin dhá sheomra leapa agus 16 cinn d'árasáin trí sheomra leapa) a bheidh trí stór ar airde, agus spás príobháideach taitneamhachta ann ar leibhéal an bhunurláir, mar aon le hardán ar an gcúl ag an ingearchló thiar thuaidh; - Bloc D3, ina mbeidh 12 cheann d'aonaid dhéphléacsacha (sé cinn d'aonaid dhá sheomra leapa

agus sé cinn d'aonaid trí sheomra leapa) a bheidh trí stór ar airde, agus spás príobháideach taitneamhachta ann ar leibhéal an bhunurláir, mar aon le hardán ar an gcúl ag an ingearchló thoir thuaidh; agus - Bloc D4, ina mbeidh ocht gcinn d'aonaid dhéphléacsacha (ceithre cinn d'aonaid dhá sheomra leapa agus ceithre cinn d'aonaid trí sheomra leapa) a bheidh trí stór ar airde, agus spás príobháideach taitneamhachta ann ar leibhéal an bhunurláir, mar aon le hardán ar an gcúl ag an ingearchló thiar theas. (ii) 99 gcinn de spásanna páirceála carranna a sholáthar, a chuimseoidh 80 ceann de spásanna do chónaitheoirí, cúig cinn de spásanna inrochtana, agus 14 cinn de spásanna do chuairteoirí; (iii) 132 cheann san iomlán de spásanna slána páirceála rothar do chónaitheoirí, a chuimseoidh 72 cheann sa spás idir bloic D1 agus D2 agus 60 ceann sa spás ar an taobh theas de bhloc D4, a bheidh tadhlach leis an stóras araidí, mar aon le 40 ceann de spásanna páirceála rothar do chuairteoirí a sholáthar ar fud an láithreáin; (iv) bealach isteach nua d'fheithiclí agus do choisithe chuig an láithreán ó Dhroim na Gaoithe ar an taobh thiar theas, nasc nua do choisithe chuig an láithreán ar an taobh thiar thuaidh ag láithreán ollmhargaidh amach anseo, agus bealach isteach nua do choisithe ar an taobh thoir thuaidh den láithreán ag Church View; (v) 0.57 heicteár de spás oscailte poiblí agus 0.065 heicteár de spás oscailte pobail a sholáthar; (vi) fostáisiún nua BSL a bheidh suite ar an taobh thoir thuaidh den láithreán agus stáisiún caidéalúcháin a bheidh suite ar an taobh thiar theas den láithreán; (vii) cáblaí lasnairde láithreacha a chur faoi thalamh; (viii) píobán draenála uisce dromchla a sholáthar a bheidh nasctha le hAbhainn an Chláir; agus (ix) córas nua draenála inbhuanaithe agus córas nua draenála uisce bhréin agus na hoibreacha gaolmhara uile is gá chun an fhorbairt a éascú, lena n-áirítear cóireálacha tírdhreachaithe agus teorann, agus iad uile suite i nDroim na Gaoithe, Baile Chláir, Contae na Gaillimhe. Ullmhaíodh Ráiteas Tionchair Natura i ndáil leis an bhforbairt bheartaithe, agus tá sé sin ag gabháil leis an iarratas seo. Spás urláir comhlán na n-oibreacha beartaithe: 7,890.00 méadar cearnach.

Cinneadh

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

Cúiseanna agus Cúinsí

1. Ag féachaint dá sho-ghabhálaí atá an láithreán i leith dobharthuilte, mar atá léirithe sa mheasúnacht riosca tuilte a cuireadh isteach in éineacht leis an iarratas, don riosca mór dobharthuilte laistigh den láithreán atá sainaitheanta i bPlean Forbartha Contae na Gaillimhe 2022-2028, agus do theagmhais tuilte screamhuisce a thit amach laistigh den láithreán roimhe seo de réir Floodinfo.ie, agus ar bhonn na n-aighneachtaí a rinneadh i ndáil leis an iarratas pleanála agus leis an achomharc pleanála, nach raibh iontu aon mheasúnacht hidreolaíoch ná aon samhaltú hidreolaíoch chun an riosca tuilte a ríomh don láithreán, agus nach raibh iontu ach oiread aon mheasúnacht ar rioscaí tuilte in aghaidh srutha ná síos an abhainn ón láithreán, ní deimhin leis an mBord go dtabharfadh na bearta maolaithe tuilte atá beartaithe aghaidh leordhóthanach ar an riosca tuilte ar an láithreán, go háirithe mar gheall ar na dálaí talún atá sainaitheanta sna doiciméid iarratais. Ina theannta sin, tá léarscáiliú tuilte ó Oifig na nOibreacha Poiblí don limistéar, an láithreán san áireamh, á athbhreithniú faoi láthair. Ní deimhin leis an mBord, mar sin, nach mbeadh an fhorbairt bheartaithe ina cúis le riosca méadaithe tuilte ar an láithreán ná ar réadmhaoine sa chomharsanacht. Bheadh an fhorbairt bheartaithe contrártha do shláinte agus sábháilteacht an phobail agus, dá bhrí sin, bheadh sí 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 na doiciméid achomhairc, agus ar bhonn an leagain

athbhreithnithe de Ráiteas Tionchair Natura, ní deimhin leis an mBord nár dhócha go mbeadh éifeacht shuntasach ag an bhforbairt bheartaithe, aisti féin nó i gcomhcheangal le pleananna nó tionscadail eile, ar Limistéar Caomhantais Speisialta Loch Coirib (Cód Láithreáin: 000297) nó ar Limistéar Cosanta Speisialta Loch Coirib (Cód Láithreáin: 004042), i bhfianaise chuspóirí caomhantais na láithreán sin. Dá bhrí sin, bheadh an fhorbairt bheartaithe contrártha do phleanáil chuí agus forbairt inchothaithe an limistéir.

Agus é ag cinneadh gan glacadh le cúis diúltaithe mholta uimhir 2 ón gCigire, ba dheimhin leis an mBord gur léirigh an t-iarratasóir leas/comhaontú dlíthiúil dóthanach chun socrú a dhéanamh do rochtain oiriúnach ar láithreán an iarratais trí fhorbairt Dhroim na Gaoithe atá in aice láimhe agus, faoi réir na nascachta atá beartaithe, go bhféadfadh an bonneagar cosáin láithreach i nDroim na Gaoithe freastal ar an bhforbairt bheartaithe. Bhí an Bord sásta leis an leibhéal beartaithe nascachta agus tréscailteachta atá léirithe sna pleananna agus sna sonraí a cuireadh isteach in éineacht leis an iarratas agus leis an achomharc, á thabhairt faoi deara freisin go bhfuil an láithreán faoi fhad gearr siúil de lár Bhaile Chláir. Agus é ag cinneadh gan glacadh le cúis diúltaithe mholta uimhir 4 ón gCigire, ba dheimhin leis an mBord go bhféadfaí diúscairt uisce dromchla a dhearadh agus a chur chun feidhme go cuí don láithreán seo atá criosaithe i lár an bhaile agus nár thug sé sin aon údar le diúltú sa chás seo.

APPEAL by Valcris Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 31st day of July 2024 by Galway County Council to refuse permission.

Proposed Development: Permission for: (i) construction of a residential development of 64 number units (38 number three-bed units and 26 number two-bed units) comprising dwellings and duplex units in seven number blocks as follows - 12 number three-bedroom, two-storey houses (six number House Type H1 and six number House Type H2) in three number blocks, with private amenity space provided to the rear; - Block D1 and Block D2 containing 32 number duplex apartments (16 number two-bedroom and 16 number three-bedroom) measuring three-storeys in height with private amenity space provided at ground floor level and a terrace to the rear at the north western elevation; - Block D3 containing 12 number duplex units (six number two-bedroom and six number three-bedroom) measuring three-storeys in height with private amenity space provided at ground floor level and a terrace to the rear at the north eastern elevation; and - Block D4 containing eight number duplex units (four number two-bedroom and four number three-bedroom) measuring three-storeys in height with private amenity space provided at ground floor level and a terrace to the rear at the southwestern elevation. (ii) provision of 99 number car parking spaces comprising 80 number resident spaces, five number accessible spaces and 14 number visitor spaces; (iii) total of 132 number secure resident bicycle parking spaces comprising 72 number in the space between blocks D1 and D2 and 60 number spaces provided in the space to the south of block D4 adjoining bin store and provision of 40 number visitor cycle parking spaces throughout the site; (iv) a new vehicular and pedestrian entrance to the site from Lakeview to the south west, a new pedestrian link to the site to the north west at the site of a future supermarket and a new pedestrian entrance to the north east of the site at Church View; (v) provision of 0.57 hectares public open space and 0.065 hectares of communal open space; (vi) new ESB substation situated to the north east and pumping station situated to the south west of the site; (vii) undergrounding of existing overhead cables; (viii) provision of surface water

drainage pipe connecting to the River Clare; and (ix) new SuDS and foul water drainage and all associated works inclusive of landscaping and boundary treatments necessary to facilitate the development all at Droim na Gaoithe, Baile Chláir, Contae na Gaillimhe. A Natura Impact Statement has been prepared in respect of the proposed development and accompanies this application. Gross floor space of proposed works: 7,890.00 square metres.

Decision

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

Reasons and Considerations

1. Having regard to the susceptibility of the site to fluvial flooding, as indicated in the flood risk assessment submitted with the application, the identification of 'pluvial extreme' flood risk within the site in the Galway County Development Plan 2022-2028, and previous incidences of groundwater flooding within the site on Floodinfo.ie, and on the basis of the submissions made in connection with the planning application and appeal, which did not include an hydrological assessment and modelling to calculate flood risk for the site nor an assessment of flood risks upstream and downstream of the site, the Board is not satisfied that the flood alleviation measures proposed would adequately address flood risk on the site, in particular due to the ground conditions identified in the application documentation. Furthermore, Office of Public Works flood mapping for the area, including the site, is currently under review. The Board is, therefore, not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would be prejudicial to public health and public safety, and 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 appeal documentation, and the revised Natura Impact Statement, 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 Lough Corrib Special Area of Conservation (Site Code 000297) or Lough Corrib Special Protection Area (Site Code 004042), in view of the sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommended refusal reason number 2, the Board was satisfied that the applicant had demonstrated sufficient legal interest/agreement to provide for suitable access to the application site via the adjacent Lakeview development and that, subject to connectivity as proposed, the existing footpath infrastructure in Lakeview could accommodate the proposed development. The Board was also satisfied with the proposed level of connectivity and permeability as indicated in the plans and particulars submitted with the application and appeal, noting also that the site is with short walking distance of the centre of Baile Chláir. In deciding not to accept the Inspector's recommended refusal reason number 4, the Board was satisfied that surface water disposal could be appropriately designed and implemented for this town centre zoned site and did not warrant refusal in this instance.



Tom Rabbette

Comhalta den Bhord

**Pleanála atá údaraithe go cuí
chun séala an Bhord a
fhíordheimhniú**

Member of An Bord

**Pleanála duly authorised
to authenticate the seal
of the Board.**

Dátaithe ar an



lá seo de



2025