



An
Bord
Pleanála

Board Direction
BD-007074-20
ABP-307753-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/12/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111) , in view of the site's Conservation Objectives.

The Board noted that the submitted Natura Impact Statement comprised a a Screening for Appropriate Assessment Report which inappropriately relied on mitigation at the screening stage to rule out the potential for significant effects. In particular, the Board could not be satisfied that the existing drainage conditions on site could accommodate the proposed proprietary wastewater treatment system so as to ensure it could be operated in accordance with the EPA Code of Practice. The Board could not therefore rule out significant effects on water quality. In such circumstances the Board is precluded from granting permission for the proposed development.

2. Having regard to the poor drainage characteristics of the site, the Board is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in strict accordance with the EPA Code of Practice Manual 2009 for

Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). Accordingly, to grant the proposed development would be prejudicial to public health, and therefore, would be contrary to the proper planning and sustainable development of the area.

3. Notwithstanding the proposal to modify the boundary of the property to the north to facility improved sightlines, it is considered that the proposed development would endanger public safety by reason of traffic hazard owing to the restricting sight visibility to the north west and the substandard horizontal alignment of the heavily trafficked local road in the north west direction and in the immediate vicinity of the site frontage. It is therefore considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.

Note: Notwithstanding the fact that proposed development was deemed to be a structurally weak area according to the Galway County Development Plan 2015-2021, the Board considered that the site was in an area under strong urban influence. Having regard to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered on the basis of the information on the file that the applicants have not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. However, the Board considered that this was a new issue and in the context of the substantive reasons for refusal set out above, decided not to pursue this issue.

Copy of Board Direction to issue with Board Order.

Board Member

Date: 01/12/2020

Maria FitzGerald