



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/521

APPEAL by Martin and Marzena Vaughan care of Patrick J. Sullivan of Eurospar Building, Carraroe, County Galway against the decision made on the 15th day of July, 2020 by Galway County Council to refuse permission.

Proposed Development: Construct a new domestic dwelling, domestic garage and a new effluent treatment system at Tirnea, Lettermore, County Galway.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020