



An
Bord
Pleanála

Board Direction
BD-005650-20
ABP-306144-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/04/2020.

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

Reasons and Considerations

1. Having regard to the location of the proposed development close to the coastline at Killary Harbour, rated as being a "Class 4 – Special" Landscape Sensitivity and landscape value rating of "outstanding" in the current Galway County Development Plan, 2015-2021, it is considered that the "Pods", by reason of individual and cumulative built form arranged along a staggered east-west axis fronting Killary Harbour approximately 140m south of the water edge would not fit appropriately on this site and would represent a determinantal impact on the character of the landscape, and, to grant permission would set an undesirable precedent for further similar development along the Fjord, between the N59 and the coastline, which would further erode this natural resource. The development would, accordingly, be contrary to the proper planning and sustainable development of the area.
2. The site is located within area identified with a "extreme" vulnerability classification in the GSI Groundwater maps and is located within area defined as a "poor" Aquifer category (Pu) – Bedrock which is generally unproduction, representing a GWP response of R21 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B3). In the absence of a T-test result and having regard to the high-

water table identified on site and the requirement to import soil, the Board is not satisfied that the site is suitable for the disposal of effluent discharging to ground. There is a significant risk in terms of the disposal of effluent in an area which is considered to be a sensitive water environment within 100m of Killary Harbour which includes shellfish cultivation. The Board is not satisfied that that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a packaged wastewater treatment system with soil polishing filter. The proposed development, would, therefore, be prejudicial to public health.

Note: The Board noted that the provisions of section 34(10)(b) of the Planning and Development Act 2000, as amended, did not appear to have been complied with by the Planning Authority as a statement indicating the main reasons for deciding to grant the proposed development and for not accepting the recommendation to refuse that was set out in the planning report, was not provided in the decision.

Board Member

Date: 27/04/2020

Maria FitzGerald