

An  
Bord  
Pleanála

**Board Direction**  
**BD-012369-23**  
**ABP-312486-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/06/2023.

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

### **Reasons and Considerations**

1. Policy Objective LCM 1 of the Galway County Development Plan 2022-2028 seeks to preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the planning authority the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest. Policy Objectives RH 2 and RH 4 of the Galway County Development Plan 2022-2028, in line with National Policy Objective 19 of the National Planning Framework, seek to prevent inappropriate new dwellinghouses unless there is an acknowledged local rural generated housing need. It is considered that the proposed development, by reason of its location and sensitivity in a scenic category 3 special coastal landscape and by reason of its scale, extent and design would represent an inappropriate development of the site. The proposed development by reason of its design and significant scale, when compared to the scale of the original dwelling that exists on site, would not be in accordance with the Development Management Standards and criteria for residential extensions as set out at Section 15.2.4 of the Galway County Development Plan 2022-2028, which requires that proposed extensions shall, in general, be subordinate to the

existing dwelling in its size, unless in exceptional cases, and would therefore not be considered primarily to comprise the renovation, restoration or modification of an existing derelict or semi-derelict dwelling in accordance with Policy RH7 of the Galway County Development Plan 2022-2028. The proposed development would contravene objectives set out in the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information on file in relation to the suitability of the site for the satisfactory disposal of domestic effluent by percolation, and in particular noting the absence of a subsurface percolation test ('T-test') or corresponding T-value encountered through the site characterisation assessment and having regard to the shallow bedrock otherwise encountered and the sloping nature of the site and proximity to sensitive environmental features, by reference to the Environmental Protection Area (EPA) Code Of Practice Wastewater Treatment And Disposal Systems Serving Single Houses (p.e.  $\leq 10$ ) (2009)<sup>1</sup>, the Board was not satisfied that adequate infiltration capacity through the subsoil on site has been demonstrated. Therefore, the Board is not satisfied that the site is suitable for the on-site treatment and disposal of domestic effluent that is proposed, notwithstanding the proposed use of a proprietary wastewater treatment system.

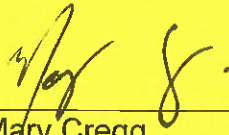
3. The Board noted that Cregduff Lough Special Area of Conservation (Site Code: 001251) is located circa 25 metres downstream of the proposed development site and, as set out in the applicant's Natura Impact Statement (NIS), this European site is hydraulically linked to the proposed development site via surface water pathways. The proposed development has been identified as having the potential, in the absence of mitigation, to result in diffuse pollution to

---

<sup>1</sup> As set out in the Preface of the more recently adopted EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) (2021), the 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date. It is evident from the documentation on file that the EPA Code 2009 was used by the applicant, which is acceptable.

surface waters due to household sewage. If wastewater from the proposed development is discharged without an acceptable level of treatment, this has the potential to result in adverse effects on Cregduff Lough Special Area of Conservation having regard to its conservation objectives including maintaining the favourable conservation condition of Slender Naiad (*Najas flexilis*). The mitigation outlined in the submitted Natura Impact Statement (NIS) relies on the design feature that the proposed wastewater treatment system for the dwellinghouse is designed in accordance with the Environmental Protection Agency's (EPA's) Code of Practice: Wastewater Treatment and Disposal Systems serving single houses (2009). As set out in reason number two of this schedule, based on the information on file, the Board is not satisfied that it has been demonstrated that the site is suitable for the on-site treatment and disposal of domestic effluent as is proposed, notwithstanding the proposed use of a proprietary wastewater treatment system. Consequently, the Board cannot be satisfied beyond reasonable scientific doubt, in view of best scientific knowledge and on the basis of the information provided with the application and appeal, that the proposed development would not adversely affect the integrity of the European site, Cregduff Lough Special Area of Conservation having regard to its conservation objectives. In such circumstances the Board is precluded from granting permission.

Board Member

  
\_\_\_\_\_  
Mary Cregg

Date: 08/06/2023