

An
Coimisiún
Pleanála

Direction
CD-020883-25
ACP-322867-25

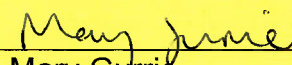
The submissions on this file and the Inspector's report were considered at a meeting held on 06/10/2025.

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

Planning

Commissioner:

Date: 07/10/2025


Mary Gurrie

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the proposed development sited within the Aughrusbeg Machair and Lake SAC (Site Code 001228) and on the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in the absence of a botanical survey to make definitive findings and conclusions with regard to the impacts of the proposed development on the Conservation Objectives and integrity of a European Site, and having regard that the safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems ($PE \leq 10$) as set out in reason

number two of this schedule, the Coimisiún is not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Aughrusbeg Machair and Lake Special Area Conservation. The proposed development would contravene Policy Objective NHB 1 of the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development in an area mapped as Extreme Vulnerability with Rock, and the ground conditions on site, which include the presence of rock outcrop, poor drainage indicators in the form of rushes and other vegetation within and adjoining the proposed percolation area, the Commission cannot be satisfied that the appellant's submitted site characterisation assessment or trial hole photograph accurately reflect the site conditions, in particular noting the absence of a subsurface percolation test ('T-Test') and having regard to proximity to sensitive environmental features. The Coimisiún cannot therefore be satisfied that the safe disposal of domestic effluent following treatment can be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems (PE ≤ 10), notwithstanding the proposed use of a packaged wastewater treatment system and polishing filter. The proposed development would not, therefore, be in accordance with the provisions of the Galway County Development Plan 2022-2028 regarding private wastewater treatment plants including that of Policy Objective WW6 and DM Standard 38 and would be prejudicial to public health and the environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the conclusion as set out in reason number two of this schedule that the safe disposal of domestic effluent following treatment cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Domestic Waste Water Treatment Systems (PE ≤ 10), the Coimisiún is not satisfied that the proposed development, would not result in a risk of deterioration of groundwater quality, and would therefore not accord with Policy Objective WR1 of the Galway County Development Plan 2022-2028 which

aims to protect all waterbodies in accordance with the objectives of the Water Framework Directive. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The site of the proposed development is located within a landscape that is classified as Class 3-Special which has a 'high sensitivity to change' in the Galway County Development Plan 2022-2028, where emphasis is placed on the importance of designing within the landscape and of siting of development to minimise visual intrusion as set out in the Galway Rural Housing Design Guidelines. It is considered that, having regard to the positioning of the dwelling within the site on the highest point, away from other forms of development, that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, and conflict with DM Standard 8 and Policy Objectives LCM 1, LCM 2 and LCM 3 of the Development Plan. The proposed development would, therefore, militate against the preservation of the rural environment and would establish an undesirable precedent for the location of similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. In the absence of evidence of an available potable water supply at the location of the proposed dwelling, it is considered that the proposed development would not be in accordance with Policy Objective WS 4 of the Galway County Development Plan 2022-2028, which requires the applicant to liaise with Uisce Éireann in relation to securing a water supply and DM Standard 36 which states the applicant should make a pre-connection enquiry to Uisce Éireann to establish the feasibility of a connection in advance of seeking planning permission. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

Having regard to the information on file in relation to the site, the site characterisation report submitted, and the Technical Note prepared by the Commission's Environmental Scientist attached as Appendix 5 to the Inspector's report which

concludes that there are significant potential impacts to groundwater given the nature of the site, the Commission did not agree with the Inspector's conclusion under Section 8.0 of the Inspector's Report in relation to Water Framework Directive Screening and considered that it had not been satisfactorily demonstrated that the proposed development would not pose a risk to groundwater quality. The Commission therefore included Reason 5 in the schedule above as a reason for refusal.