

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway County**

**Planning Register Reference Number: 16/124**

An Bord Pleanála Reference Number: PL 07.246495

**APPEAL** by Michael and Pat Heffernan care of Padraic Hession and Associates of Unit 6, Galway Technology Park, Parkmore, Galway against the decision made on the 31<sup>st</sup> day of March, 2016 by Galway County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Retention and completion of, as approved under planning register reference number 07/3443, (1) excavated rock face to rear of property, (2) change in location of domestic garage, (3) reorientation of the effluent treatment system and percolation area, (4) retention of access to north-west boundary and close access from the north-east boundary, and (5) previously approved dwellinghouse and solid fuel store, including all associated site works at Gortatleva Townland, Bushy Park, County Galway.

## **DECISION**

**REFUSE** permission for the above proposed development based on 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. It is considered that the proposed development, by reason that a site characterisation assessment for the revised location of the proposed on-site wastewater treatment system and percolation area was not carried out and submitted, having regard to the alteration of site levels through excavation and infilling, and by reason of the proposed layout of the wastewater treatment system which does not achieve the minimum separation distance required for such developments, would be contrary to the requirements of the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2009 and would, therefore, pose a threat to groundwater quality and be prejudicial to public health.
  
2. The Board is not satisfied that, based on the details and drawings of proposals submitted by the applicant, the excavated cliff-face would be structurally stable, having regard to the composition of the material comprising the cliff-face. The development proposed for retention would, by reason of risk of collapse of the excavated cliff face, seriously injure the amenities of the adjacent property to the south, which includes a right of way directly abutting the application site's southern boundary for which permission has been granted under planning register reference number 08/2641 (and duration of permission extended under planning register reference number 13/1277) for access to a slatted shed on lands to the south-west.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**