

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway County**

**Planning Register Reference Number: 15/1584**

An Bord Pleanála Reference Number: PL 07.246611

**APPEAL** by Christopher Keane care of Grealish Glynn and Associates of 1 The Punchbowl, Ennis Road, Gort, County Galway against the decision made on the 21<sup>st</sup> day of April, 2016 by Galway County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of a dwellinghouse, garage, effluent treatment unit and all associated site works at Cregaclare, Ardrahan, 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. The site is located in a rural area outside of any identified settlement and within an area of strong urban influence as identified in the Galway County Development Plan, 2015-2021 and within an area where the provisions of Objective RHO 1 of the development plan regarding rural housing in areas under strong urban pressure – Galway Transportation Planning Study Area (GTPS) is applicable. Having regard to the information submitted with the application and specifically the lack of documentary information demonstrating the applicant's rural links to the area as specified in Objective RHO 1, it is considered that the proposed development would not be consistent with the policy set out in the development plan for housing in rural areas. The proposed development, if permitted, would, therefore, be contrary to Objective RHO 1 of the development plan, would materially contravene the objective indicated in the development plan, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The subject site is located adjacent to an identified groundwater flood risk area. Taking account of the recent 2015 flood event in the area, the

application of the precautionary principle and sequential approach set out under the Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government and the Office of Public Works in November 2009 and notwithstanding the flood risk assessment carried out including the mitigation measures contained therein, the Board is not satisfied that the proposed site is not at risk of flooding. It is considered, therefore, that the proposed development would materially contravene Policy FL 4 and Objective FL 1 of the Galway County Development Plan, 2015-2021 in relation to flood risk, would be contrary to Ministerial Guidelines issued under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this            day of            2016.**