



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 17/1746

APPEAL by Charles Cormican care of Fergal Bradley and Company Limited of Victoria House, Victoria Place, Eyre Square, Galway against the decision made on the 4th day of May, 2018 by Galway County Council to refuse permission.

Proposed Development: The construction of a two-storey dwelling house and associated site works at Glann Road, Carrowmanagh, Oughterard, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with 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. Having regard to the location of the site adjacent of the Owenriff River which forms part of the Lough Corrib Special Area of Conservation (Site Code 000297), and on the basis of the information provided with the application and appeal, particularly in relation to flood risk and the suitability of the site for a waste water treatment system, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on European site Code 000297 or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.
2. The site is located in close proximity to the Owenriff River, part of what is currently recognised as a floodplain and in an area which is deemed to be at risk of flooding, as set out in the Galway County Development Plan 2015-2021. Having regard to the submissions made in connection with the planning application and appeal, and notwithstanding the flood risk mitigation measures proposed, the Board is not satisfied that the proposed flood relief works would not have significant adverse effects on both the natural heritage of the area and the future use of the river and adjoining lands arising from the alteration of the riverbank and the potential associated risk of increased flooding of other lands in the vicinity and sedimentation of the river. Furthermore, it is not considered that effluent can be treated within the site in compliance with the Environmental Protection Agency Code of Practice: Wastewater Treatment Systems for Single Houses (2010), therefore, the proposed development would have a negative impact on the hydrological conditions of the Owenriff River. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located three metres north of a karst feature, within an area which Groundwater Vulnerability classification is X Rock or near Surface or Karst and bedrock was encountered at 0.6 metres. It is considered that the proposed septic tank drainage system would be prejudicial to public health because of the poor percolation characteristics of the ground and the highwater table, as indicated by a trial hole excavated on the site which would render it unsuitable for the on-site treatment/disposal of effluent from the development, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.