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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 18/801**

**APPEAL** by Henry Howard care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 8<sup>th</sup> day of March, 2019 by Galway County Council to grant subject to conditions an outline permission to Tom Duffy care of David Courtney and Associates of Cahertymore, Athenry, County Galway.

**Proposed Development:** Construction of a dwellinghouse, domestic garage, two horse stables and proprietary treatment system at Magheranearla, County Galway.

**Decision**

**REFUSE** outline 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 National Policy Objectives as set out in the National Planning Framework, 2018, the location of the site within a structurally weak area as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and having regard to the absence of a housing need, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines for a house at this location. The proposed development, in the absence of any identified need for the house, 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 site is located within an area identified as a locally important aquifer with an “extreme” vulnerability classification. The trial holes were located outside the site, at a depth of 1.1 metres and not 2.1 metres, and were not subject to the correct percolation tests, as required in the Environmental Protection Agency Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (2009). The Board is not satisfied that effluent from the proposed development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development, would, therefore, be prejudicial to public health.

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard road at a point where sightlines are restricted in an easterly and westerly direction.

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

**Dated this            day of            2019.**