



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 19/296

APPEAL by Emily Clarke and Brian Smith care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo against the decision made on the 24th day of April, 2019 by Galway County Council to grant subject to conditions a permission to Lara Whelehan care of Gabriel Dolan and Associates of Main Street, Craughwell, County Galway.

Proposed Development: Construction of a four bed two-storey detached dwellinghouse, treatment plant, percolation area together with associated site works and services, all at Prospecthill, Oranmore, 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. The site of the proposed development is located within an area under strong urban influence as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need, and to the National Policy Objective 19 as set out in the National Planning Framework, to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area... having regard to the viability of smaller towns and rural settlements”. Having regard to the documentation submitted with the application and the appeal, including the described nature and location of the current employment of the applicant, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, nor that the applicant’s housing need could not be met within an existing, established town or village/settlement centre. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the provisions of the Galway County Development Plan 2015 - 2021, and 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 Regionally Important Aquifer-Karstified with a 'moderate' Groundwater Vulnerability classification. The Site Characterisation Form submitted with the planning application, states a trial hole depth of 2.2 metres, not 3 metres as required for locations within a Regionally Important Aquifer. On the basis of the information submitted with the application and the appeal, the Board is not satisfied that the effluent from the proposed development can be satisfactorily treated or disposed of on-site, notwithstanding the proposed use of a proprietary wastewater treatment system, nor that the proposed development would not result in an excessive concentration of development served by wastewater treatment systems in an area which is considered to be a highly sensitive water environment. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.