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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/667**

**APPEAL** by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 14<sup>th</sup> day of November, 2019 by Galway County Council to grant subject to conditions a permission to Brackencroft Limited care of Shane Joyce of Main Street, Clifden, County Galway for the proposed development.

**Proposed Development:** The construction of five number individual one bedroom self contained "pods" of wooden construction for short term holiday usage, in an outdoor adventure environment. The development includes the construction of necessary access paths, water supply, and effluent disposal system to service same at Derrynacleigh Townland, Leenane, 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 proposed development close to the coastline at Killary Harbour, rated as being a “Class 4 – Special” landscape sensitivity rating and landscape value rating of “outstanding” in the current Galway County Development Plan 2015-2021, it is considered that the “Pods”, by reason of individual and cumulative built form arranged along a staggered east-west axis fronting Killary Harbour approximately 140 metres south of the water edge would not fit appropriately on this site and would represent a determinantal impact on the character of the landscape, and, to grant permission would set an undesirable precedent for further similar development along the Fjord, between the N59 and the coastline, which would further erode this natural resource. 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 with a “extreme” vulnerability classification in the GSI Groundwater maps and is located within an area defined as a “poor” Aquifer category (Pu) – Bedrock which is generally unproduction, representing a GWP response of R21 under the Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B3). In the absence of a T-test result and having regard to the high water table identified on site and the requirement to import soil, the Board is not satisfied that the site is suitable for the disposal of effluent discharging to ground. There is a significant risk in terms of the disposal of effluent in an area which is considered to be a sensitive water environment within 100 metres of Killary Harbour which includes shellfish cultivation. The Board is not satisfied that that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a packaged wastewater treatment system with soil polishing filter. The proposed development, would, therefore, be prejudicial to public health.

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

**Dated this            day of            2020.**