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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1814**

**APPEAL** by Eimear Heaney of Moorneen, Cleggan, County Galway against the decision made on the 24<sup>th</sup> day of January, 2020 by Galway County Council to refuse permission.

**Proposed Development:** Construction of a new dwellinghouse, effluent treatment system and polishing filter and all ancillary site works at Gannoughs, Claddaghduff, 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 poor drainage characteristics of the subject site in terms of a high water table due to fluctuating seasonal conditions, and to the presence on the site of peaty substrates and rushes, the Board is not satisfied that the safe disposal of effluent from the proposed development can be guaranteed in strict accordance with the Environmental Protection Agency Code of Practice Manual for Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. less than or equal to 10). In such circumstances, the proposed development would be prejudicial to public health and would seriously endanger the health and safety of persons occupying the structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the subject site to the West Connaught Coast Special Area of Conservation (Site Code: 002998), and the hydrological connectivity of the site to this European Site, the Board cannot be satisfied, beyond reasonable scientific doubt, by reason of the poor drainage characteristics of the subject site, and the lack of certainty that the proposed wastewater treatment system would be capable of safely disposing of domestic effluent without impacting on groundwater or surface water, that the proposed development would not adversely affect the integrity of this European Site, in the light of it's conservation objectives. The Board is, therefore, precluded from granting permission for the development of the subject site.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2020.**