



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/876

APPEAL by Padraic Tierney care of MKO of Tuam Road, Galway against the decision made on the 28th day of August, 2020 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Construction of new dwelling house, treatment system and percolation area and all associated site works and services at 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. On the basis of the information submitted with the application and appeal, including the Natura Impact Statement, the Board is not satisfied that the proposed development, individually or in combination with other plans or projects, would not pose an unacceptable risk to surface water and groundwater and would not have an adverse effect on the integrity of the Lough Corrib Special Area of Conservation (Site Code 000297), which is a Natura 2000 site protected under the Habitats Directive (92/43/EEC). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. In such circumstances the Board is precluded from granting planning permission.

2. Having regard to the location of the site, outside of the 50kph zone for the settlement and within an area under urban influence 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 to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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”, it is considered that the applicant has not demonstrated an economic or social need to live in this specific rural area. In the absence of any definable or demonstrable need for the house, the proposed development 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 Ministerial Guidelines

and to overarching national policy having regard also to the relevant provisions of the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the safe disposal of domestic effluent on site can be guaranteed in accordance with the Environmental Protection Agency Code of Practice Manual 2009 nor that the proposed development would not result in an over proliferation of individual wastewater systems at this location. Accordingly, the proposed development would be prejudicial to public health and would, therefore, 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 2021.