



Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/1122

APPEAL by Martin McDonagh care of John McDonagh of Ballyconneely, County Galway against the decision made on the 2nd day of October, 2020 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Construction of an extension to an existing dwellinghouse and installation of a new effluent treatment system at Mannin More, 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 submissions made in connection with the application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of the Slyne Head Peninsula Special Area of Conservation (Site code: 002074) in view of the site's conservation objectives by reason of the appeal sites location within this Natura 2000 site that may result in direct effects due to construction and development related emissions associated with the development and, therefore, the Board is precluded from granting permission.
2. Having regard to the failure of the applicant to demonstrate satisfactory evidence within the submissions received in relation to the planning status of the existing development on site, in conjunction with the proposal to hereby augment and further intensify the said entity, it is considered that the proposed development would, if permitted, and in the absence of demonstrable contrary evidence, perpetuate and intensify existing unauthorised development on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. On the basis of the submissions made in connection with the application and appeal and the lack of adequate supporting evidence of the EPA test excavation area on site, the Board is not satisfied that the safe disposal of domestic effluent on site can be treated in strict accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)" – Environmental Protection Agency, 2009. The proposed development would, therefore, be prejudicial to public health,

would be contrary to the recommendations set out in the EPA Code of Practice Wastewater Manual and to Objective WW5 of the current Galway County Development Plan, and would be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald

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

Dated this day of 2021.