

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

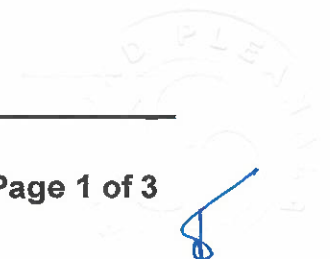
Planning Register Reference Number: 21/562

APPEAL by Enda O'Connor care of Robert Nanasi of Derrydonnell North, Oranmore, County Galway against the decision made on the 31st day of May, 2021 by Galway County Council to refuse permission.

Proposed Development: Construction of a dwelling house and a garage with treatment plant and percolation area at Portacarron, Oughterard, County Galway. Further public notices were received by An Bord Pleanála on the 16th day of July, 2021.

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 appeal site a short distance from the shore of Lough Corrib and within its drainage catchments and the designated Natura 2000 site, the Lough Corrib Special Area of Conservation (Site Code: 000297), and on the basis of the information provided with the application and the appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse impacts on the integrity of Lough Corrib Special Area of Conservation (Site Code: 000297), in view of the site's Conservation Objectives. In particular, the Board could not be satisfied that the existing drainage conditions on site could accommodate the proposed proprietary wastewater treatment system so as to ensure it could be operated in accordance with the Environmental Protection Agency Code of Practice. The Board could not, therefore, rule out significant effects on water quality. In such circumstances the Board is precluded from granting permission for the proposed development.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the soil conditions including indication of shallow subsoil levels above bedrock, the location of site over a regionally important aquifer with extreme vulnerability rating and within close proximity of the shoreline (drainage catchment) of Lough Corrib and indication of rock layers at a shallow level on site, to the proliferation of domestic wastewater treatment systems in this rural area, and to the 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government (2005) which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and could not be satisfied, on the basis of the information on file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

T. Ó Niadh

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *11th* day of *February*, 2022

