



An  
Bord  
Pleanála

## Board Order ABP-314254-22

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/60466**

**Appeal** by Verine Enterprises Limited care of J. McSweeney Architects of 7 Abbey Street, Howth, Dublin against the decision made on the 5<sup>th</sup> day of July, 2022 by Galway County Council to refuse permission.

**Proposed Development:** Provision of eight number semi-detached 1.5-storey two-bedroom houses and two number detached two-storey four-bedroom houses. Site development works, boundary treatments, drainage, roads and all associated works. Two number proposed entrances onto the L4509 Road, and one number proposed entrance to the adjacent side-road leading to the L4509 Road, widening of adjacent side road, widening of footpath on the L4509 Road, all at Dungory West, County Galway.

### Decision

**REFUSE** permission for the above proposed development for the reasons and considerations set out below.

## Reasons and Considerations

The development, as proposed, is dependent upon connections to the public foul sewer network and the public surface water network which are located on third-party lands which, while comprising consented foul and surface water sewer infrastructure, are located outside of the application boundary of the site for which permission is sought. Notwithstanding the written consent provided by the owner of the lands, the Board considers that there is an absence of certainty that the foul or surface water generated by the proposed development could be managed and disposed of appropriately within the context of the permission sought given the reliance on the delivery of infrastructure entirely outside the control of the applicant and for which permission has not been sought as part of the subject application or which has not been included for within the boundary of the application. Furthermore, it is proposed to undertake works to upgrade the proposed carriageway to access part of the development on lands which are not in the control of the applicant, and which do not form part of the application boundary for which permission is sought. Therefore, if permitted, the development, as proposed, would be prejudicial to public health due to the absence of certainty in respect of connections to the public foul and surface water networks and would endanger public safety by reason of traffic hazard due to unsatisfactory and incomplete access arrangements within the application, as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree with the Inspector that the arrangements proposed for the connection of the proposed development to the public foul and surface water sewer systems was satisfactory as it relies upon connections to infrastructure which was not included in the application (red line) boundary and, therefore, could not be considered to comprise part of the proposed development and while consented as part of an adjoining development, in the absence of the delivery of the third-party scheme, this essential foul and surface water infrastructure is entirely outside of the applicant's control to deliver within the confines of the application for which consent is sought. Similarly, while the Board agreed with the principle of accessing the rear of the site via the L85531, which it is noted is taken in charge, the works proposed to upgrade the laneway are not included within the red line boundary of the application boundary and while taken in charge no consent from the public authority has been provided and, therefore, uncertainty remains as to the ability of the applicant to deliver the extent of works proposed to appropriately access the proposed development. It is noted that the Board agreed with the Inspector that the principle of the development of residential units on the subject lands was acceptable particularly when considered in the context of the sequential development of the urban area. However, given the absence of certainty in respect of the proposals to service and access the proposed development, the Board did not agree that the development, as proposed, would be appropriate.



**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 26<sup>th</sup> day of March 2024.