



An
Bord
Pleanála

Board Order
ABP-315246-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60919

APPEAL by Martin Linnane care of Shane Hanniffy and Associates of Cottage, Maree, Oranmore, County Galway against the decision made on the 4th day of November, 2022 by Galway County Council to refuse permission.

Proposed Development: Erection of a dwelling house, wastewater treatment system, polishing filter and all associated services, at Inishroo, Kinvara, County Galway.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

P.C.

Reasons and Considerations

1. Having regard to the ground conditions encountered on the site, which included a heavy presence of rock within the percolation area trial hole and associated spoil heap, the Board is not satisfied, on the basis of the information on file, that the minimum thickness of 0.3 metres unsaturated soil/subsoil in addition to the polishing filter, with be a minimum depth of 0.9 metres, beneath the invert of the polishing filter (that is, 1.2 metres in total for a soil polishing filter) is achievable on site. Accordingly, and noting that a regionally important aquifer underlies the site where groundwater vulnerability is designated as "Extreme", it has not been demonstrated that the site is suitable for the safe disposal of treated effluent by reference to Table E1 (Response matrix for DWWTs) of the EPA Code of Practice : Domestic Waste Water Treatment Systems (population equivalent ≤ 10) (2021), notwithstanding the proposed use of a secondary wastewater treatment system and raised soil polishing filter. Accordingly, the proposed development would not be supported by Policy Objective WW 6 (Private wastewater treatment plants) of the Galway County Development Plan 2022-2028 and would be prejudicial to public health and the protection of water quality. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

P.C

2. On the basis of the information provided with the application and appeal, including an Appropriate Assessment Screening Report, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European site Numbers 000268 (Galway Bay Complex Special Area of Conservation) and 004031 (Inner Galway Bay Special Protection Area), in view of the sites' conservation objectives, by reason of a possible hydrological link to these sites via groundwater and the failure of the application to demonstrate that there is an adequate depth of suitable soil available on the site in which to safely dispose treated effluent on-site, notwithstanding the proposed use of a secondary wastewater treatment system and raised soil polishing filter. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *10* day of *January* 2024.