



An  
Bord  
Pleanála

Board Order  
ABP-320252-24

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 2361546**

**Application for Leave to Appeal** against the decision of the planning authority by Bernadette and Patrick O'Malley care of Michael J. Duffy Chartered Civil Consulting Engineer of 1 Clós Na hEaglaise, Kilfenora, County Clare having an interest in land adjoining the land in respect of which Galway County Council decided on the 26<sup>th</sup> day of June, 2024 to grant, subject to conditions, a permission to Sylvia McNamara care of Enda O'Malley and Associates Chartered Engineers of Unit 1, Bridge Street, Clifden, County Galway.

**Proposed Development:** Permission to construct new dwelling house; remove existing ruinous building onsite and reuse stone within the new construction; installation of a wastewater treatment system and associated polishing filter bed, as well as all ancillary site works and site services, at Aillebrack, Ballyconneely, County Galway.

**Decision**

**REFUSE** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

## Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject.

The Board noted that the further information request did not relate to wastewater treatment and that no condition required a material alteration of the development as proposed, and that conditions 6 and 9 of the planning authority grant of permission protects the enjoyment and value of the appellant as they require compliance with the BRE (Building Research Establishment) Digest 365 (or equivalent) and the Environmental Protection Agency code of practice respectively.



---

**Peter Mullan**

**Member of An Bord Pleanála**

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

**Dated this 16th day of August,  
2024.**