

An
Bord
Pleanála

Board Order ABP-320604-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 24/60742

Appeal by Transport Infrastructure Ireland, Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 30th day of July, 2024 by Galway County Council to grant subject to conditions a permission to Martin Linnane care of Shane Hanniffy and Associates of Cottage, Maree, Oranmore, County Galway.

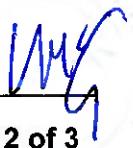
Proposed Development: Construction of a dwellinghouse, wastewater tertiary treatment system, polishing filter and all associated services, all at Inishroo, Kinvara, County Galway.

Decision

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

Reasons and Considerations

1. Having regard to Policy Objective NR1 (Protection of Strategic Roads), Policy Objective NR4 (New Accesses Directly on National Roads) and DM Standard 26 (Access to National and Other Restricted Roads for Residential Developments) of the Galway County Development Plan 2022-2028, the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012, specifically Sections 2.5 and 2.6 which relate to the creation and/or intensification of vehicular accesses directly from the national road network, it is considered that the proposed development of a new dwellinghouse on the subject site would potentially result in an intensification of use of an existing entrance to a national road, which would endanger public safety by reason of additional traffic turning movements from and to the N67 National Secondary Route, at a point where an 80kph speed limit applies. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



2. On the basis of the information provided with the planning application and the appeal, including an Appropriate Assessment Screening Report, 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 be likely to have a significant effect on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the sites' Conservation Objectives, by reason of a possible hydrological link to these sites via groundwater and the failure of the planning application to demonstrate that there is an adequate area available with a depth of suitable soil 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.



Liam McGree

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

Dated this 10 day of December 2024.