



An  
Coimisiún  
Pleanála

Commission Order  
ABP-320936-24

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 2460875**

**Appeal** by Adrian Breathnach against the decision made on the 3<sup>rd</sup> day of September, 2024 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Permission is sought to carry out works to existing cottage to minimize flood risk. These works will involve (a) external alterations to elevations of existing cottage including, (b) change of roof level and profile, (c) demolition of existing rear extension, (d) internal refurbishment of cottage, (e) raise existing finished floor level as set out per in the flood risk assessment report, (f) rebuild eroded sea wall existing on site, (g) installation of new proprietary sewage treatment system with filter area, (h) relocate existing entrance from public road, together with all associated site works, all at Emlaghmore, Ballyconneelly, County Galway. This planning permission is accompanied by Natura Impact Statement (NIS).

## **Decision**

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

## Reasons and Considerations

1. The Commission cannot be satisfied that the site can dispose of wastewater given the proximity of the proposed wastewater treatment system to the foreshore. The proposed development is considered contrary to the EPA Code of Practice: Domestic Waste Water Treatment Systems, 2021, Table 6.2 (minimum separation distances), would be prejudicial to public health, contrary to EU Groundwater Directive (80/86/EEC), and would materially contravene Policy Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022-2028.
2. The subject site is located in extreme proximity to the coastline, and taking account of climate change considerations, and the application of the precautionary principle as set out under the Planning System and Flood Risk Management Guidelines, the Commission is not satisfied that the proposed development would not be at risk of flooding in the future. The proposed development would contravene DM Standard 68 of the Galway County Development Plan 2022-2028.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission had regard to the Galway Development Plan 2022-2028 objective RH7, Renovation of existing dwelling. The Commission considered, notwithstanding the structural report submitted by the applicant, the specific location of the site and the scale of works required to make this structure a habitable dwelling warranted regard being had to the other relevant policy in the Plan.

The Commission noted the proposed works includes; a new sea wall, a new proprietary sewage treatment system at a new location (as the system on site has been eroded and can no longer serve a house), works to the existing structure on site that significantly alters the floor levels, the sill heights and the ridge height in addition to the works listed in the site specific flood risk assessment to protect the house from flooding. These works are extensive and alter the location of necessary services to such a degree that it is more akin to new development rather than renovation, it is therefore considered appropriate to have regard to the relevant development plan policy objectives specifically that relating to waste water treatment systems and flood risk.

The Commission was not satisfied that the proposed new Waste Water Treatment system accords with Development Plan, Policy objective WW6 and DM Standard 38, or that the applicant had satisfied the development management standard 68 regarding Flood Zones and Appropriate Uses. The Commission agreed with the planning authority that the proposed development materially contravened Policy Objective WW6 and was not in compliance with Development Management Standard 38 and 68 and would therefore, be contrary to the proper planning and sustainable development of the area.



*M. Henchy*

---

**Mary Henchy**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this *9<sup>th</sup>* day of *February* 2026