

An
Bord
Pleanála

Board Order
ABP-321480-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 2461267

APPEAL by Patrick Cunningham care of Gerard Hanniffy of Suite 21, Orantown Centre, Oranmore, County Galway against the decision made on the 21st day of November 2024, by Galway County Council, to refuse permission for the proposed development.

Proposed Development: The construction of a single dwelling house, domestic garage, a Ter 3 Tertiary Effluent Treatment System and percolation area and all associated site services in the townland of Kiniska, Claregalway, County Galway.

Decision

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

Reasons and Considerations

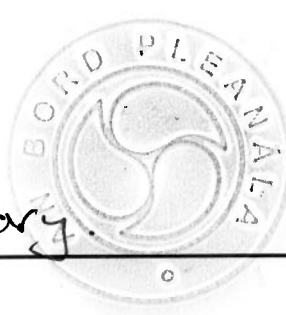
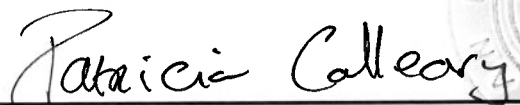
1. Having regard to the poor drainage characteristics of the proposed site, and evidence of a high water table in the form of extensive water logging on the site and the significant volume of water in the trial hole as evidenced from the Inspector's report and supporting photographs, the Board cannot be satisfied that the appellant's submitted site characterisation assessment accurately reflects the site conditions. The Board cannot therefore be satisfied that the safe disposal of domestic effluent following treatment, can be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Wastewater Treatment and Disposal Systems serving Single houses (PE \leq 10), notwithstanding the level of treatment proposed including tertiary treatment. The proposed development would not, therefore, be in accordance with the provisions of the Galway County Development Plan 2022-2028 regarding private wastewater treatment plants, including that of Policy Objective WW 6, and would be prejudicial to public health. 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 and noting the presence of a stream running along the northern part of the subject site, which provides a direct hydrological link to Lough Corrib Special Area of Conservation (SAC) (Site Code 000297) and the presence of the high water table and poor drainage characteristics on site at a location in which effluent would be disposed, the Board concluded that safe disposal of domestic effluent following treatment, cannot be guaranteed in accordance with the Environmental Protection Agency's Code of Practice 2021 for Wastewater Treatment and Disposal Systems serving Single houses (PE \leq 10), notwithstanding the level of treatment proposed including tertiary treatment. Accordingly, there is a possibility of surface water or groundwater pollution that could potentially arise during the operational stage that could result in harmful discharge(s) directly entering the stream (adjoining the site) which in turn ultimately discharges directly into the Lough Corrib SAC. This has potential to impact significantly upon the water quality of the SAC which could, in turn, affect the conservation objectives of the site. In this context and in the absence of mitigation, the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Lough Corrib Special Area of Conservation (Site Code 000297) in view of the site's conservation objectives arising from disposal of treated effluent on site in which there is a hydrological pathway to this SAC.

P.C.

3. It is considered that by reason of its overall size and scale, and having regard to the provisions of the Galway County Development Plan 2022-2028, and in particular of Policy Objective RH 9 and DM Standard 6, and notwithstanding the low landscape sensitivity classification for the site, the proposed garage would form a discordant feature on the landscape at this location and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 11th day of June 2025.