



An  
Bord  
Pleanála

## Board Order 07.SU.0139

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 16/375**

**Application for Substitute Consent** by Ben Bontinck care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, as amended.

**Application re:** Temporary Holiday Accommodation at Stoneyisland, Portumna, County Galway.

### Decision

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, decided to **REFUSE** substitute consent based on the Reasons and Considerations set out below.

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) The provisions of the Planning and Development Act 2000 to 2017 and in particular Part XA,
- (b) the provisions of the current Galway County Development Plan,
- (c) the remedial Natura Impact Statement submitted with the application for substitute consent, and documentation generally on the file,
- (d) the report and opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (e) the submissions made in accordance with regulations under section 177N of the Planning and Development Act 2000, as amended,
- (f) the pattern of development in the area,
- (g) the planning history of the site,
- (h) the nature and scale of the development the subject of this application for substitute consent, and

(i) the report of the Board's Inspector.

On the basis of the information submitted in support of the application for substitute consent, the Board considered that the method of treatment of wastewater poses an unacceptable risk to wells in the vicinity. The development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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

**Dated this          day of                          2018**