



An
Bord
Pleanála

Board Direction
BD-007921-21
ABP-308788-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/04/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the land use zoning objectives for this site as set out in the Oranmore Local Area Plan 2012-2022, the pattern of development in the area and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would integrate with existing development in the area in a satisfactory manner, would be acceptable in terms of pedestrian and traffic safety and convenience, and would be in accordance with the provisions of the Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Galway Bay Complex Special Area of Conservation (site code: 000268) and the Inner Galway Bay Special Protection Area (site code: 004031) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development 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. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of July 2020 and the 7th day of October 2020, except as may otherwise be required in order to comply with

the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation measures as set out in the Natura Impact Statement, as amended by the plans and particulars submitted on the 7th day of October 2020, shall be implemented in full.

Reason: In the interest of proper planning and sustainable development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The proposed development shall comply with the following requirements:

(a) Any alterations to the public roadway, including measures identified in the Road Safety Audit, shall be submitted to, and agreed in writing with, the planning authority. All agreed works shall be at the developer's expense.

(b) The developer shall undertake to implement the measures included in the Mobility Management Plan. A mobility manager shall be employed to oversee the implementation of the Mobility Management Plan and shall liaise regularly with the Mobility Management Section of the planning authority. The Mobility Manager shall proactively engage with the planning authority regarding the implementation and periodic review of the Mobility Management Plan.

Reason: In the interest of traffic management, sustainable travel and sustainable development.

5. Prior to the commencement of development, full details of the proposed bicycle parking areas, including plans and elevations, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provisions amending or replacing them, the use of the proposed development shall be restricted to the purposes as stated in the application, as specified in the lodged documentation, unless otherwise authorised by a grant of planning permission.

Reason: In the interest of the protection and orderly development of the town.

7. Site development and building works shall be carried out only between 0700 hours and 1900 hours, Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturday and not at all on Sundays, Bank or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where the prior written agreement of the planning authority has been received.

Reason: To protect the residential amenities of the area.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of orderly development and sustainable waste management.

11. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

13. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

14. All access and parking arrangements, including any alterations to the public road, shall comply with the detailed requirements of the planning authority for such works and services. All works to the An Clochóg estate road and entrance from Main Street shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development and said works shall be undertaken in the first instance and prior to on site works. Costs associated with all such works shall be borne by the developer.

Reason: In the interest of traffic safety and to ensure a proper standard of development.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

16. The site shall be landscaped in accordance with the landscaping scheme submitted with the application, including implementation of all tree protection measures to ensure preservation of the trees identified for retention. Landscaping proposals shall be completed before the building is first made available for occupation.

Reason: In the interest of visual amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Board Member



Date: 16/04/2021

Dave Walsh