



An
Bord
Pleanála

Board Direction
BD-009296-21
ABP-310364-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/10/2021.

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 pattern of development in the area, to the provisions of the Galway County Development Plan 2015-2021, and to the nature, layout and design of the proposed restoration and refurbishment of the existing cottage, the Board considered that, subject to compliance with the conditions set out below, the proposed development would accord with the requirements of Objective RHO7 – Renovation of Existing Derelict Dwelling / Semi Ruinous Dwelling and Objective AH6 – Vernacular Architecture as detailed in the Galway County Development Plan 2015-2021, would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's

Report in respect of the identification of the European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the sites' conservation objectives, other than the Slyne Head Peninsula Special Area of Conservation (Site Code: 002074) for which Appropriate Assessment is required.

Appropriate Assessment

The Board considered the Natura impact statement submitted with the application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for Slyne Head Peninsula Special Area of Conservation (Site Code: 002074) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects;
- (b) mitigation measures which are included as part of the current proposal;
- (c) 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 aforementioned European site, having regard to the site's conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed tarmac finish on the driveway shall be omitted and instead the finish on the driveway within the site shall have a gravel surface with a grassed centre, details of which shall be submitted to, and agreed in writing with, the planning authority

Reason: In the interest of visual amenity and to protect the unique landscape in which the site lies.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. 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.

5. Prior to the commencement of development, the developer shall enter into a water connection agreement with Irish Water

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

7. Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Prior to the commencement of any development on the site, the developer shall submit a Construction and Environmental Management Plan for the written agreement of the Planning Authority.

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

9. 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



Stephen Bohan

Date: 20/10/2021

