



An  
Bord  
Pleanála

**Board Direction**  
**BD-015118-24**  
**ABP-315600-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Galway City Development Plan 2023-2029, it is considered that, subject to the conditions set out below, the development proposed to be retained and completed would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that Section 11.1 of the Galway City Development Plan 2023-2029 states that extensions or improvements to premises accommodating non-conforming uses may be granted, subject to avoidance of injury to amenities. The Board shared the view of the planning authority that the development proposed for retention and completion was acceptable in this regard. The Board agreed with the Inspector that, subject to conditions, the proposal would be compatible with the amenities of the area. However, the Board did not agree with the Inspector's assessment as set out in section 7.14 of the Inspector's report, that the development proposed for retention and completion does not come within the ambit of section 11.1 of the Galway City Development plan. The Board considered that the construction of new buildings within an existing and long-established agricultural premises, fell within the ambit of section 11.1 of the Galway City Development plan.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars submitted with the application, as amended by the further information received by the planning authority on the 10<sup>th</sup> day of November 2022, except as may otherwise be required to comply with the conditions below.

**Reason:** In the interests of clarity

2. The buildings shall be used only for the agricultural uses related to those outlined in the details submitted unless subject to a separate planning application.

**Reason:** In the interests of clarity and to ensure that the development is carried out and retained in accordance with the permission and that effective control is maintained.

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 order to allow the planning authority to assess the impact of these matters on the visual amenity of the area and in the interest of orderly development.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

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

**Reason:** In the interest of environmental protection and public health.

6. All foul effluent and slurry generated by the development proposed to be retained and in the farmyard shall be conveyed through properly constructed channels to storage facilities, the location and design of which to be agreed with the planning authority, and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

7. 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 the 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**

  
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Mary Cregg

**Date:** 26/01/2024