

An  
Bord  
Pleanála

**Board Direction**  
**BD-018796-25**  
**ABP-319813-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/01/2025.

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 Galway County Development Plan 2022 to 2028 and to the zoning objective for Moycullen as set out the Moycullen Small Town Growth Plan 2022- 2028, the Board considered that, subject to compliance with the conditions set out below, the proposed construction of 4 dwelling houses within the existing housing estate would not adversely affect the amenity of properties in the vicinity and that the construction of the four houses is essential to ensure the estate is finished to the highest standard. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23<sup>rd</sup> of November 2023 and as per revised drawings, reports and documents submitted on the 5<sup>th</sup> of April 2024, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. This permission is only for 4 no. semi-detached house as indicated under the public notices, and in all other respects the development shall be executed in accordance with Planning Reference numbers PI. Ref. 21/2071 and PI. Ref. 06/5813 which govern the overall development of the site, save where amended by the plans and particulars submitted with this application on 23rd November 2023 and 5th April 2024 and the conditions hereunder.

Reason: In the interest of clarity, orderly and sustainable development.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall include details of agreed rock breaking hours, and construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

4.

Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, and 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998, will apply. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

Reason: In the interests of visual and residential amenity

8. (a) A minimum of 25% of the residential units (1 unit) hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 7 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of the specified residential unit within the development hereby permitted, for the use of occupants who have an appropriate competence/fluency in the Irish language, except where after not less than two years from the date of completion of the specified housing unit, it is demonstrated to



the written satisfaction of the planning authority that it has not been possible to transact the specified housing unit for use by occupants with the required competence/fluency in the Irish language.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified residential unit, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been annulled in respect of the specified housing unit.

(d) The appropriate competence/fluency in the Irish language required to demonstrate compliance with this occupancy clause shall be akin to that required to achieve at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations. A future occupier of the specified residential unit which is the subject of this occupancy clause shall provide proof to the developer who shall inform the planning authority, by way of a compliance submission, that a nominated adult who shall reside in the specified residential unit, has successfully completed such an examination, or similar level of examination in the Irish language. The compliance submission must be submitted prior to the specified residential unit being made available for occupation.

(e) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed residential unit is used to meet the language enurement clause required by policy objective GA4 of the Galway County Development Plan and to preserve and protect the language and culture of the Gaeltacht, in the interest of the proper planning and sustainable development of the area.

9. (a) Unless otherwise agreed with the planning authority, boundary treatment and landscaping shall be as per the plans and particulars received by the Planning Authority on the 23rd November 2023, and as amended by the plans and particulars received by the Planning Authority on the 5th April 2024.

(b) Planting shall comprise of native tree/plant species only.

(c) All boundary treatments facing public areas shall be constructed using natural, limestone only.

Reason: In the interests of visual and residential amenity.

10. (a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning works.

(b) All vehicles/machinery associated with construction works for the development here permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles/machinery associated with construction works, park on the public road or grass verge thereto, then the Planning Authority or the Roads Authority shall be empowered to cease all works on site and works shall not recommence without the prior written agreement of the Planning Authority.

Reason: In the interest of proper planning and development

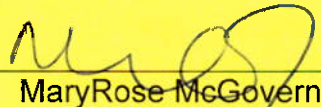
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

12. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermain, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development

**Board Member**

  
MaryRose McGovern

**Date:** 07/02/2025