

An  
Bord  
Pleanála

**Board Direction**  
**BD-019135-25**  
**ABP-320712-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/03/2025.

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 location of the site within the existing built up area of Mhaigh Cuilinn on zoned and serviced lands, the provisions of the Galway County Development Plan 2022-2028, and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, the pattern of development in the area, the nature and scale of the proposed development the site's capacity to manage surface and stormwater (as demonstrated by the applicant), and the provision of wayleaves that provide for future permeability, it is considered that, subject to compliance with the conditions set out below, the proposed development, in effect an extension of the permitted Bun na Coille Estate which has a single access point, would be in accordance with the density guidelines, as set out in the Guidelines, would not result in the creation of a traffic hazard, would not seriously injure the amenities of the area, and 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, 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 way leaves for potential future pedestrian/cycle connections shall be constructed in full as per the Site Layout drawing number 11763-2000 provided with the application.

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

3. All of the mitigation measures cited in Section 4.4 of the Natura Impact Statement and Section 3.2, 3.11 and Section 7.4 of the Outline Construction Environmental Management Plan submitted to An Bord Pleanála on the 2<sup>nd</sup> day of September 2024 shall be implemented in full.

**Reason:** In the interest of the natural heritage of the area and protecting the environment.

4. (a) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) and Traffic Management Procedures as received by the planning authority. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final CEMP.



(b) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the planning authority upon request.

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

5. (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. A wheel washing facility shall be operational at site entrance/exit.

(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.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interests of amenity and public safety.

9. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interest of urban legibility.

10. Drainage arrangements including the attenuation and 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.

11. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

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



12. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed scheme of landscaping, which accompanied the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving for example to be used in public spaces, and measures for the protection of trees and hedgerows within and adjoining the site shall be agreed in writing with the planning authority prior to the commencement of development on the site.

**Reason:** In the interest of residential and visual amenity.

13. 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. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. All roads within the blue line boundary of the site will be finished to the required Taking in Charge Standard of Galway County Council.

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

14. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

(a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the planning authority for approval prior to the commencement of development.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.

(d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.

(f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and sustainable travel.



15 A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

17 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained on the site. 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.

18 Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

**Reason:** In the interest of sustainable waste management.

19 (a) A minimum of 20% of the residential units (twelve units) 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 15 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 units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(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 housing units, 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



terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

(d) The appropriate competence/fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing/occupying the respective residential unit.

(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 housing units are used to meet the state relevant development plan policy or applicant's stated housing needs and that development in this area is appropriately restricted to meeting essential local need to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

20 Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

- 21 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 and maintenance until taken in charge by the local authority 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 or maintenance 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.

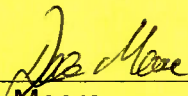
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 22 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**

  
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Declan Moore

**Date:** 10/03/2025