

An
Coimisiún
Pleanála


Direction
CD-020567-25
ABP-322452-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/08/2025.

Having regard to the nature of the conditions the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition numbers 20, 29 and 32 so that they shall be as follows for the reasons set out.

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 36 and directs the said Council to REMOVE condition number 36 and the reason therefor.

Planning Commissioner:


Declan Moore

Date: 01/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location and character of the site and surrounding area in the Cois Fharraige Gaeltacht, together with the provisions of the Galway County Development Plan 2022-2028 and An Spidéal village plan, including the village centre zoning and opportunity site designation, as well as Policy Objectives GA 4, GA6 and SSGV 4, it is considered that condition numbers 20, 29 and 32 should be amended in order to comply with local policy.

Having regard to Section 48 of the Planning and Development Act 2000, as amended, the Galway County Council Development Contribution Scheme 2016, as revised in 2019, and the lack of supporting evidence to justify the special contribution, it is considered that the development contribution scheme for the area has not been properly applied in respect of condition number 36 and that this condition should be removed.

20. Full details of all proposed external signage shall be agreed in writing with the planning authority prior to commencement of any development. In this regard:
- (a) All language on proposed signage/advertisements/nameplates shall be in Irish, or bilingual with the Irish language being dominant.
 - (b) All proposed signage/advertisements/nameplates shall be lit, where required, by static internal illumination only and intermittent illumination shall not be installed.
 - (c) Further signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed on or adjacent to the premises except with the prior agreement of the planning authority.

Reason: In the interest of visual amenity and to comply with Policy Objective GA6 of the Galway County Development Plan 2022-2028.

29. (a) A minimum of 80 % of the residential 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.

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.

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 unit(s) is/are used to meet the requirements of Policy Objectives GA4 and SSGV 4 of the Galway County Development Plan 2022-2028 and that development in this area is appropriately restricted to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

32. (a) Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name(s) shall be in Irish.
- (b) Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme.
- (c) 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 name(s).

Reason: In order to comply with Policy Objective GA 6 of the Galway County Development Plan 2022-2028, to ensure the use of locally appropriate placenames for new residential areas and in the interest of urban legibility.