

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway County

Planning Register Reference Number: 16//902

An Bord Pleanála Reference Number: PL 07.257257

APPEAL by Michael and Maureen Hughes of Number 10 Pine Grove, Mountbellew, Ballinasloe, County Galway and by others against the decision made on the 24th day of August, 2016 by Galway County Council to grant subject to conditions a permission to Patrick Gardiner care of Martin Giblin of Ballygar Road, Mountbellew, County Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of (a) tree/scrub removal works; (b) land drainage works; (c) widening of vehicular/pedestrian access and roadway; (d) fencing; and (e) landscape/grading works and replanting. Permission consisting of (a) upgrading and widening of vehicular/pedestrian access junction; (b) landscaping/grading and boundary planting; (c) boundary fencing; (d) widen/raising of level of existing roadway along existing right of way; and (e) provision of galvanised agricultural gate at entrance of site and all associated site works at Barnwellsgrove, Mountbellew, County Galway.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

The Board carried out an Appropriate Assessment Screening and also noted the Appropriate Assessment Screening determination carried out by the Planning Authority and concurred with its view. The Board is satisfied, having regard to the nature of the receiving environment, minor nature, location and modest scale of the subject development, and in the light of the low potential for material connectivity to the nearest Natura 2000 Site, that the construction of the proposed development and the development to be retained either individually or in combination with other plans or projects, would not be likely to have a significant effect, on the Carrownagappul Bog Special Area of Conservation, (site code: 001242) or on any other European sites, in view of their conservation objectives.

Conclusion on Proper Planning and Sustainable Development

Having regard to the provisions of the Galway County Development Plan 2015-2021, to the nature and scale of the proposed development and the development to be retained the Board considered that, subject to compliance with the conditions as set out below, the proposed development and development to be retained would be acceptable in terms of traffic safety, would not negatively affect the character of the area and would, therefore, 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 the concerns of the Inspector however, the Board was satisfied that -

- 1) Improvement of access and associated drainage to serve the agricultural landholding was acceptable in principle and not unduly detrimental to local amenities.
- 2) Given the lightly trafficked nature of the proposed entrance, it is not considered that any contravention of Government Policy or any traffic hazard arises in the area, and
- 3) The works in question are considered to be minor in nature and the Board agreed with the thrust of the technical submission submitted by the applicant's engineer (Tobin Consulting Engineers) namely that no significant concerns in relation to surface water, groundwater or flooding are likely.

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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed main access arrangement at juncture with the N63 shall be completed in accordance with the elevational specification as shown on drawing number: PG102, submitted with the planning application. However, the westernmost wing of the proposed roadside entrance wall (circa 5 metres in length) shall be omitted.

Reason: In the interest of traffic safety, clarity and visual amenity.

3. (a) All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.
- (b) The development shall incorporate Sustainable Drainage Systems in the management of storm water.
- (c) Design and construction of soakaways must comply with the requirements of the BRE Digest 365.

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

4. The landscaping scheme submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.