



Planning and Development Acts 2000 to 2020

Planning Authority: Galway City Council

Planning Register Reference Number: 20/103

Appeal by Connacht Hospitality Limited care of McCarthy Keville O'Sullivan Limited of Tuam Road, Galway in relation to the application by Galway City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 5 of its decision made on the 17th day of July, 2020.

Proposed Development: (a) Permission for the continued use of the existing outdoor seating/dining area previously granted planning register reference number 15/27 on a temporary basis which is due to expire on 23rd June 2020, (b) retention for the existing timber counter structure to the rear of the outdoor seating/dining area, (c) permission to use the existing outdoor timber counter structure as a bar serving facility for the existing outdoor seating/dining area, (d) permission to use the existing ground floor toilets to the rear of the outdoor seating/dining area, and (e) permission to play amplified music/sound to a limited level of 84dB(A) at An Púcán, 11 Forster Street, Galway.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 5 and directs the said Council to REMOVE condition number 5 and the reason therefor.

Reasons and Considerations

Having regard to

- (a) the provisions of the Galway City Development Contribution Scheme 2008-2012, extended on the 11th day of April 2014,
- (b) the Development Contribution Guidelines for Planning Authorities 2013, issued by the Department of Environment, Community and Local Government,
- (c) the planning history associated with the subject site, and
- (d) the information submitted in support of this appeal,

the Board is satisfied that the development the subject of this appeal has been levied under a previous planning decision by Galway City Council, planning register reference number 15/27 refers, where the planning authority applied a 50% reduction in the liability due to the temporary nature of the permission and the outside nature of the seating/dining area in accordance with the requirements of the Development Contribution Guidelines for Planning Authorities 2013, at the time. The Board considered, based on the

evidence submitted, that the terms of the Development Contribution Scheme have not been properly applied.

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.

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

Dated this day of 2019.