

An
Bord
Pleanála

Ordú Boird
ABP-309753-21

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2021

An tÚdarás Pleanála: Comhairle Contae na Gaillimhe

Uimhir Thagartha ar an gClár Pleanála 17/1618

Achomharc ag Baile Éamonn Teoranta faoi chúram McCarthy Keville O'Sullivan Limited de Bhloc 1, G.F.S.C, Bóthar Mhóinín na gCiseach, an Ghaillimh, i gcoinne an chinnidh a rinne Comhairle Contae na Gaillimhe an 23ú lá de Mhí Mhárta, 2018, chun cead a dhiúltú don fhorbraíocht bheartaithe.

An Fhorbraíocht Bheartaithe: Beidh an méid a leanas i gceist leis an bhforbraíocht atá beartaithe: scartáil an tí chónaithe atá ann (96.5 méadar cearnach) agus an bhotháin (32 mhéadar chearnacha) agus na struchtúr lena mbaineann in aice leis, forbraíocht ilchineálach a thógáil lena gcuimseofar: óstán ina mbeidh 81 seomra leapa mar aon le dhá theach chónaithe scoite ghaolmhara le seirbhísí; Lárionad Gnó agus Nuála Bia, sé theach chónaithe scoite agus bealaí rochtana do choisithe agus d'fheithiclí, seirbhísí páirceála, tírdhreachú an láithreáin agus oibreacha láithreáin uile i mbaile fearainn An Spidéil Thiar, An Spidéal, Contae na Gaillimhe.

Cinneadh

CEAD A DHEONÚ don fhorbraíocht thuas atá beartaithe i gcomhréir leis na pleananna agus sonraí réamhráite ar bhonn na gcúiseanna agus na mbreithnithe faoi na coinníollacha atá leagtha amach thíos agus faoi réir acu.

Cúiseanna agus Breithnithe

Ag féachaint do chineál agus do scála na forbraíochta, do na cuspóirí um chríosú talamhúsáide don láithreán atá san áireamh leis an bPlean don Ghaeltacht a ghabhann le Plean Forbartha Chontae na Gaillimhe 2015-2021 agus d'fhorálacha na nDréacht-treoirínte maidir le Seirbhísí Uisce d'Údaráis Phleanála arna n-ullmhú ag an Roinn Tithíochta, Pleanála agus Rialtais Áitiúil i Mí Eanáir 2018, tá sé measta, faoi réir ag comhlíonadh na gcoinníollacha atá leagtha amach thíos, nach ndéanfaí dochar tromchúiseach leis an bhforbraíocht atá molta d'áiseanna an cheantair, go mbeadh sí inghlactha i dtéarmaí dearaidh uirbigh, go mbeadh sí inghlactha i dtéarmaí tráchta agus sábháilteachta coisithe, nach mbeadh tionchair dho-ghlactha ag baint léi don timpeallacht. do shláinte dhaonna ná don Ghaeilge, nach mbeadh riosca tuilte ag baint léi agus nach mbeadh riosca tuilte do láithreáin eile ag baint léi, agus go mbeadh sí i gcomhréir le forálacha Phlean Forbartha Chontae na Gaillimhe 2015-2021. Dá bhrí sin, bheadh an fhorbraíocht atá molta i gcomhréir le planáil cheart agus le forbairt inbhuanaithe an cheantair.

Scagadh le haghaidh Measúnacht Chuí

Rinne an Bord cleachtadh scagtha le haghaidh Measúnacht Chuí maidir le héifeachtaí ionchasacha na forbraíochta molta ar láithreáin Eorpacha, agus cineál agus scála na forbraíochta molta á gcur san áireamh, mar aon le cineál na timpeallachta glactha, na hachair go dtí na láithreáin Eorpacha is deise agus breithnithe i dtaca le conairí hidreolaíochta, na haighneachtaí agus na tuairimí ar taifead, an fhaisnéis a cuireadh isteach mar chuid de Thuarascáil um Scagadh le haghaidh Measúnacht Chuí de chuid an achomharcóra, agus Tuarascáil Aguisín an Chigire Phleanála (Tagairt ABP-309753-21). Agus an cleachtadh scagtha á chur i gcrích aige, d'aontaigh an Bord le tuarascáil an Chigire Phleanála agus ghlac sé í agus chinn sé nach raibh dóchúlacht ann go mbeadh éifeacht shuntasach ag an bhforbraíocht mholta ar láithreáin Eorpacha ar bith, inti féin nó i gcomhcheangal le plananna agus tionscadail chongaracha eile, i bhfianaise cuspóirí caomhnaithe na láithreán den sórt sin,

agus, dá bhrí sin, nach bhfuil Scagadh Chéim 2 le haghaidh Measúnacht Chuí riachtanach. Go háirithe, d'aontaigh an Bord le measúnacht agus le tátal an Chigire Phleanála, agus ghlac sé iad, nach raibh Scagadh Chéim 2 le haghaidh Measúnacht Chuí riachtanach.

Coinníollacha

1. Déanfar an fhorbraíocht, agus cuirfear i gcrích í, i gcomhréir leis na pleananna agus leis na sonraí a cuireadh isteach leis an iarratas, arna leasú ag na pleananna agus sonraí breise a cuireadh isteach chuig an údarás pleanála an 15 Feabhra 2018, an 7 Márta 2018 agus an 9 Márta 2018, cé is moite den riachtanas ar shlí eile na coinníollacha a leanas a chomhlíonadh. Nuair atá sé riachtanach de réir coinníollacha mar sin sonraí a chomhaontú leis an údarás pleanála, comhaontóidh an forbróir na coinníollacha sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbraíocht agus déanfar an fhorbraíocht, agus cuirfear i gcrích í, i gcomhréir leis na sonraí comhaontaithe.

Cúis: Ar mhaithe le soiléire.

2. Beidh na sráideanna agus na hachomhail a thógfar nó a chuirfear i gcrích de bhun an cheada seo i gcomhréir leis na caighdeáin agus leis na sonraíochtaí atá leagtha amach sa Lámhleabhar Deartha do Bhóithre agus do Shráideanna Uirbeacha (DMURS) arna n-eisiúint ag an Roinn Iompair, Turasóireachta agus Spóirt agus ag an Roinn Tithíochta, Pleanála agus Rialtais Áitiúil i mBealtaine, 2019.

Cúis: Ar mhaithe le sábháilteacht ar bhóithre agus chun a chinntiú go n-éascaítear gluaiseacht ag córacha iompair inbhuanaithe sna sráideanna san fhorbraíocht cheadaithe i gcomhréir leis na caighdeáin infheidhmithe atá leagtha amach sa Lámhleabhar Deartha do Bhóithre agus do Shráideanna Uirbeacha.

3. Déanfar sonraí maidir le leagan amach an bhóthair laistigh den láithreán, lena n-áirítear fágáil ar lár na hiontrála ar an mbóthar áitiúil (L5397) ón Lárionad Gnó agus Nuála Bia de réir líníocht uimhir 2306-PA010-A Athbhreithniú A arna cur isteach chuig an údarás pleanála an 15 Feabhra 2018, méid agus leagan amach beacht an tearmainn bóthair atá molta laistigh den láithreán, marcanna tráchta, trasrianta coisithe, soláthar do raonta rothar agus soláthar cosáin feadh thaobh iartharach an bhóthair áitiúil (L5397), déanfar iad a chur isteach chuig an údarás pleanála, agus comhaontófar iad leis i scríbhinn, sula dtosófar an fhorbraíocht.

Cúis: Ar mhaithe le forbairt in ord agus in eagar agus le sábháilteacht tráchta agus coisithe.

4. Cuirfear sonraí faoi na hábhair, na dathanna agus uigeacht na mbailchríoch uile ar an bhforbraíocht atá molta isteach chuig an údarás pleanála, agus comhaontófar iad leis i scríbhinn, sula dtosófar an fhorbraíocht.

Cúis: Ar mhaithe le taitneamhachtaí radhairc an cheantair.

5. Cuirfear scéim chuimsitheach maidir le cóireáil agus tírdhreachú na teorann isteach chuig an údarás pleanála, agus comhaontófar í leis i scríbhinn, sula dtosófar an fhorbraíocht. Beidh an méid a leanas i gceist leis an scéim sin:

- (a) sonraí faoi na bailchríocha crua uile atá molta laistigh den fhorbraíocht,
- (b) suíomhanna atá molta do chrainn agus do phlandáil tírdhreacha uile san fhorbraíocht, lena n-áirítear sonraí faoin sciathadh atá

molta don ghléasra cóireála fuíolluisce pacáistithe príobháideach,
agus

- (c) sonraí faoi chóireáil na dteorainneacha, agus airde, ábhair agus bailchríocha san áireamh.

Cuirfear cóireáil na dteorainneacha agus an tírdhreachú chun feidhme i gcomhréir leis an scéim chomhaontaithe.

Cúis: Ar mhaithe le taitneamhachtaí radhairc an cheantair.

- 6. (a) Comhlíonfar riachtanais an údaráis phleanála maidir le hoibreacha agus seirbhísí den sórt sin leis na socruithe draenála, lena n-áirítear maolú agus díúscairt uisce dromchla.
- (b) Sula dtosófar an fhorbraíocht, cuirfidh an forbróir Iniúchadh Uisce Stoirme um Dhearadh Mionsonraithe Chéim 2 isteach chuig an údarás pleanála le haghaidh comhaontú scríofa.
- (c) Nuair a chríochnófar an fhorbraíocht cuirfear Iniúchadh Uisce Stoirme um Chríochnú Chéim 3 isteach chuig an údarás pleanála le haghaidh comhaontú scríofa chun a thaispeáint go ndearnadh bearta um Chóras Draenála Uirbí Inbhuanaithe a shuiteáil, agus go bhfuil siad ag oibriú de réir mar a dearadh agus nach ndearnadh cónaisc mhíchearta nó damáiste do bhonneagar na draenála uisce stoirme le linn na tógála.

Cúis: Ar mhaithe le sláinte phoiblí agus le bainistíocht uisce dromchla.

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7. Sula dtosófar an fhorbraíocht, déanfaidh an forbróir comhaontú le hUisce Éireann maidir le ceangal uisce. Sula dtosófar an fhorbraíocht agus sula ndéanfar an gléasra cóireála fuíolluisce príobháideach a dhíchoimisiúnú chun fónamh a dhéanamh ar an bhforbraíocht, dá ndéanfaí é a choimisiúnú ar dtús, déanfaidh an forbróir comhaontú (comhaontuithe) le hUisce Éireann maidir le ceangal fuíolluisce.

Cúis: Ar mhaithe le sláinte phoiblí.

8. In éagmais ceangail le Gléasra Cóireála Fuíolluisce an Spidéil atá coimisiúnaithe, mar chuid de Scéim Séarachais an Spidéil:
- (a) Déanfar fónamh ar an bhforbraíocht ag an ngléasra cóireála fuíolluisce pacáistithe sealadach a dhéanfar a lonnú, a thógáil agus a chothabháil i gcomhréir leis na sonraí arna gcur isteach chuig an údarás pleanála, agus i gcomhréir le riachtanais an doiciméid dar teideal 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' – [Lámhleabhair maidir le Cóireáil Fuíolluisce - Córais Cóireála do Phobail Bheaga, do Ghnólachtaí, d'Ionaid Fóillíochta agus d'Óstáin] - An Ghníomhaireacht um Chaomhnú Comhshaoil, 1999. Cuirfear socruithe maidir le cothabháil leanúnach an chórais isteach chuig an údarás pleanála, agus comhaontófar iad leis i scríbhinn, sula dtosófar an fhorbraíocht.
- (b) Laistigh de thrí mhí ó chéad áitiú na forbraíochta, cuirfidh an forbróir tuarascáil isteach ó dhuine atá cáilithe go cuí ag a bhfuil árachas dlíteanais ghairmiúil, chun a dheimhniú go ndearnadh an córas cóireála eisiltigh dílsithe a shuiteáil agus a choimisiúnú i gcomhréir leis na sonraí faofa, go bhfuil sé ag oibriú ar bhealach sásúil i gcomhréir leis na caighdeáin atá leagtha amach i

20

ndoiciméad na Gníomhaireachta um Chaomhnú Comhshaoil, agus nach sáraítear tiúchan an éilimh cheimicigh ar ocsaigin (COD) níos mó ná 125mg/l leis an sceitheadh deiridh.

- (c) Déanfar foráil leis an bhforbraíocht do cheangal ar leith leis an líonra fuíolluisce atá os comhair an láithreáin ionas go gcumasófar ceangal a dhéanamh sa todhchaí nuair a dhéanfar an córas cóireála fuíolluisce bardasach a choimisiúnú don cheantar agus, laistigh de thrí mhí ón gceangal leis an gcóras cóireála fuíolluisce bardasach, déanfar an gléasra cóireála fuíolluisce pacáistithe atá beartaithe a dhíchoimisiúnú agus a bhaint, agus déanfar an limistéar atá fágtha a thírdreachú go cuí mar chuid den fhorbraíocht.

Cúis: Ar mhaithe le sláinte dhaonna, le cosaint an chomhshaoil agus le taitneamhachtaí radhairc an cheantair.

9. Sula gcuirfear an t-óstán i bhfeidhm, cuirfear gaiste gréisce, arna thoisíú go ceart, agus lena gcomhlíontar na caighdeain/treoirínte ábhartha, a shuiteáil agus déanfar é a chothabháil.

Cúis: Ar mhaithe le sláinte phoiblí agus leis an gcomhshaoil.

10. Cuirfear an forbróir linteáir draenála ar fáil arna thoisíú ionas go ndéanfar 5,500 lítear ciúbach a sceitheadh in aghaidh na huaire ar ghrádán íosta (dearadh um thaoide thuile), d'fhonn cailteanas stórála tuile taoide ar an láithreán a mhaolú le linn an-teagmhais borrrhaí stoirme.

Cúis: Chun éifeacht dhiúltach ar bith a mhaolú mar thoradh ar thoillíocht an toillte stórála tuile le linn an-teagmhais borrrhaí stoirme.

11. Leagfar crainn atá le baint ar an láithreán ag deireadh an tsamhraidh nó san fhómhar lasmuigh de shéasúr neadaithe éan agus lasmuigh den gheimhreadh (geimhriú ialtóg). Má chuirfear isteach ar ialtóga ar an láithreán déanfar é ar bhealach arna chomhaontú i scríbhinn leis an údarás pleanála agus ar chomhairle ó éiceolaí cáilithe. Ní dhéanfar struchtúir ar bith a scriosadh lena gcothaítear pobail ialtóg ach amháin faoi cheadúnas ón tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra agus cuirfear sonraí faoi cheadúnas den sórt sin isteach chuig an údarás pleanála.

Cúis: Ar mhaithe le caomhnú an dúlra.

12. Déanfar faraí ialtóg a chorprú sa láithreán agus déanfar na moltaí maidir le bearta maolaithe ón Measúnacht Tionchair Éiceolaíochta i dtaca le hialtóga a chur i bhfeidhm ina n-iomláine, i gcomhréir leis na hamlínte atá leagtha amach. Maidir leis sin, sula dtosófar an fhorbraíocht, leagfar bearta maolaithe agus monatóireachta mar sin amach mar sceideal i scríbhinn, lena n-áireofar na hamlínte tiomnaithe, agus cuirfear an sceideal isteach chuig an údarás pleanála, agus comhaontófar é leis i scríbhinn.

Cúis: D'fhonn cosaint na hoidhreacht nádúrtha ar an láithreán a chinntiú.

13. Cuirfear soilsiú poiblí ar fáil i gcomhréir le scéim, agus cuirfear sonraí na scéime sin isteach chuig an údarás pleanála, agus comhaontófar í leis i scríbhinn, sula dtosófar an fhorbraíocht. Cuirfear soilsiú den sórt sin ar fáil feadh an chosáin do choisithe ar thaobh iartharach an bhóthair áitiúil (L5397) agus cuirfear ar fáil é sula gcuirfear an fhorbraíocht ar fáil le háitiú.

Cúis: Ar mhaithe le taitneamhacht agus le sábháilteacht phoiblí.

14. (a) Cuirfear an fhorbraíocht chun feidhme ar bhonn céimnithe, i gcomhréir le scéim chéimnithe a chuirfear isteach chuig an údarás pleanála agus a chomhaontófar leis i scríbhinn.
- (b) Ní chuirfear an chóiríocht turasóireachta, an mol gnó agus nuála bia, agus an fhorbraíocht chónaithe atá ceadaithe leis seo ar fáil le háitiú go dtí go mbeidh an bonneagar cumasúcháin uile curtha i gcrích d'fhonn fónamh a dhéanamh ar gach gné den fhorbraíocht chun sástacht scríofa an údaráis phleanála.

Cúis: D'fhonn a chinntiú go gcuirfear seirbhísí agus saoráidí ar fáil go tráthúil, ar mhaithe leis na háititheoirí agus le críochnú sásúil na forbraíochta foriomláine.

15. (a) Coinneofar 80% ar a laghad de na tithe (is é sin, cúig cinn de na sé theach) atá ceadaithe leis seo le haghaidh úsáid mar thithe dóibh siúd atá in ann an cumas a thaispeáint teanga agus cultúr na Gaeltachta a chaomhnú, mura bhfuil a mhalairt comhaontaithe i scríbhinn leis an údarás pleanála, le haghaidh thréimhse 15 bliana. Cuirfidh an forbróir Ráiteas Tionchair Teanga isteach chuig an údarás pleanála ina mbeidh sonraí faoi chomhlíonadh an riachtanais sin sula dtosófar an fhorbraíocht.
- (b) Sula dtosófar an fhorbraíocht, déanfaidh an forbróir comhaontú dlíthiúil leis an údarás pleanála (faoi fhorálacha alt 47 den Acht um Pleanáil agus Forbairt, 2000, arna leasú), a mbeidh mar chuspóirí aige cion de na gnéithe cónaithe atá ceadaithe leis seo a theorannú nó a rialáil le haghaidh úsáid ag áititheoirí a bhfuil inniúlacht/liofacht iomchuí acu sa Ghaeilge. Cuirfear sonraí faoi chaighdeán na Gaeilge atá le baint amach agus faoin modh chun sin a mheasúnú isteach chuig an údarás pleanála, agus

comhaontófar iad leis i scríbhinn, sula ndéanfar an comhaontú a thabhairt chun críche a bhfuil sin mar choinníoll leis. (Cáileofar go huathoibríoch faoi cháiliú don Scéim Deontais Tithíochta).

- (c) Laistigh de thrí mhí ó thosú na forbraíochta, déanfaidh an forbróir comhaontú dlíthiúil leis an údarás pleanála (faoi fhorálacha alt 47 den Acht um Pleanáil agus Forbairt, 2000, arna leasú), a mbeidh mar chuspóirí aige éifeacht a thabhairt do na srianta thuas. Ní dhéanfar aon teach a áitiú go dtí go ndéanfar comhaontú leis an údarás pleanála de bhun alt 47 den Acht um Pleanáil agus Forbairt, 2000, arna leasú.

Cúis: D'fhonn a chinntiú go ndéantar forbairt sa limistéar ina bhfuil an láithreán suite a shrianadh go hiomchuí.

16. Sula dtosófar an fhorbraíocht, déanfaidh an forbróir nó duine eile a bhfuil leas aige/aici sa talamh lena mbaineann an t-iarratas comhaontú i scríbhinn leis an údarás pleanála maidir le tithíocht a sholáthar i gcomhréir le forálacha alt 94(4) agus alt 96(2) agus (3) (Cuid V) den Acht um Pleanáil agus Forbairt, 2000, arna leasú., mura bhfuil iarratas ar dheimhniú díolúine curtha isteach agus ceadaithe faoi alt 97 den Acht, arna leasú. Nuair nach ndéantar comhaontú den sórt sin laistigh d'ocht seachtaine ó dháta an ordaithe seo, is féidir leis an údarás pleanála nó páirtí ionchasach eile sa chomhaontú an t-ábhar san agóid (seachas ábhar a bhfuil alt 96(7) infheidhme leis) a atreorú go dtí An Bord Pleanála le haghaidh cinnidh.

Cúis: Chun riachtanais Chuid V den Acht um Pleanáil agus Forbairt 2000, arna leasú, agus riachtanais na straitéise tithíochta i bPlean Forbartha an cheantair a chomhlíonadh.

17. Soláthrófar stáisiúin/pointí luchtaithe EV (feithiclí leictreacha) feidhmiúla maidir le híoslíon de 10% de na spásanna páirceála comhroinnte, agus cuirfear duchtáil ar fáil do na spásanna páirceála eile, lena n-áirítear spásanna i gcúirtealáiste, agus suiteáil pointí/stáisiúin luchtaithe EV á éascú ag dáta níos déanaí. Nuair nach bhfuil moltaí curtha isteach leis an iarratais maidir le duchtáil EV agus pointí/stáisiúin luchtaithe EV, i gcomhréir leis na riachtanais thuasluaite, cuirfear moltaí den sórt sin isteach chuig an údarás pleanála, agus comhaontófar iad leis i scríbhinn, sula dtosófar an fhorbraíocht.

Cúis: Chun foráil a dhéanamh don fhorbraíocht nó go seasfaidh an fhorbraíocht an aimsir ionas go n-éascófar úsáid feithiclí leictreacha.

18. Beidh cuideachta bainistíochta atá bunaithe go dlíthiúil freagrach as bainistíocht agus as cothabháil na forbraíochta atá molta tar éis di a bheith críochnaithe, agus is é an forbróir a chuirfidh an chuideachta sin ar bun. Cuirfear scéim bainistíochta, lena n-áirítear bearta leordhóthanacha do chothabháil na forbraíochta amach anseo isteach chuig an údarás pleanála, agus comhaontófar í leis i scríbhinn, sula gcuirfear aon cheann de na hionaid tráchtála ar fáil le háitiú, agus áireofar na nithe a leanas leis an scéim: na teachíní féinfhreastail a bhaineann le turasóireacht, creatlach sheachtrach na bhfoirgneamh, limistéir chomhchoiteanna inmheánacha, tírdhreachú, bóithre, cosáin, limistéir pháirceála, soilsiú, soláthar an bhonneagair maidir le hathluchtú feithiclí leictreacha, saoráidí stórála dramhaíola agus seirbhísí sláintíochta.

Cúis: Chun foráil a dhéanamh do chothabháil amach anseo ghné phríobháideach na forbraíochta ar mhaithe le taitneamhacht radhairc.

19. Déanfar tógáil na forbraíochta a bhainistiú i gcomhréir le Plean Bainistíochta Comhshaoil maidir le Foirgníocht, agus cuirfear é isteach chuig an údarás pleanála, agus comhaontófar é leis i scríbhinn, sula dtosófar an fhorbraíocht. Cuirfear sonraí ar fáil sa phlean sin maidir leis an gcleachtas tógála don fhorbraíocht, lena n-áireofar:
- (a) láthair an láithreáin agus na gcompún (an chompún) ábhar lena n-áirítear limistéar (limistéir) arna shainaithint/sainaithint chun dramhaíl tógála a stóráil,
 - (b) láithreacha na limistéar le haghaidh oifigí an láithreáin tógála agus saoráidí na foirne,
 - (c) sonraí maidir le fálú slándála agus ballaí clár an láithreáin,
 - (d) sonraí maidir le saoráidí páirceála ar an láithreán d'oibrithe láithreáin le linn na tógála,
 - (e) gnéithe chun ciúáil a sheachaint maidir le trácht tógála ar an gcé agus ar an ngréasán bóithre in aice láimhe,
 - (f) gnéithe chun doirteadh nó leagan síos cré, spallaí nó smionagair eile a chosc ar an gcé agus ar an ngréasán bóithre poiblí,
 - (g) gnéithe trína dtugtar faoi thorann, faoi dheannach agus faoi chreathadh, agus na leibhéil díobh sin a bhreathnú/a athbhreithniú,
 - (h) breosla agus ola uile a bhaineann le tógáil a choimeád laistigh de bhundaí arna dtógáil go speisialta d'fhonn a chinntiú go ndéanfar doirteadh breosla a shrianadh go hiomlán. Cuirfear díonta ar na bundaí sin chun uisce báistí a choinneáil amach,
 - (i) bealaí chun a chinntiú go ndéantar rith chun srutha uisce dromchla a shrianadh, agus
 - (j) sonraí maidir le bainisteoir an láithreáin, uimhreacha teagmhála (lena n-áirítear lasmuigh d'uaireanta oibre) agus comharthaí faisnéise poiblí ag bealach isteach na saoráide.

Coinneofar taifead ar sheiceála laethúla le taispeáint go bhfuil na hoibreacha á ndéanamh i gcomhréir leis an bPlean Bainistíochta Comhshaoil maidir le Foirgníocht le hiniúchadh ag an údarás pleanála.

BN

Cúis: Ar mhaithe le soiléire, taitneamhachtaí, sláinte phoiblí, sábháilteacht agus cáilíocht an uisce.

20. Déanfar na hoibreacha forbartha láithreáin agus tógála ar bhealach lena gcinnteofar go gcoinnítear na sráideanna in aice láimhe glanta de smionagar, d'ithir agus d'ábhar eile agus, más gá oibreacha glanta a dhéanamh ar na bóithre poiblí in aice láimhe, is ar chostas an fhorbróra a dhéanfar oibreacha glanta den sórt sin.

Cúis: Chun a chinntiú go gcoinneofar na bóithre in aice láimhe i gcaoi ghlan agus shábháilte le linn na n-oibreacha tógála ar mhaithe le forbairt in ord agus in eagar.

21. Ní dhéanfar oibreacha forbartha láithreáin agus tógála ach idir na huaireanta 0700 go 1900 ó Luan go hAoine agus an dá lá san áireamh, idir 0800 agus 1400 ar an Satharn agus ní dhéanfar oibreacha ar bith ar an Domhnach ná ar shaoirí poiblí. Ní ceadmhach imeacht ó na huaireanta sin ach amháin in imthosca eisceachtúla nuair a fuarthas comhaontú i scríbhinn roimh ré ón údarás pleanála.

Cúis: D'fhonn taitneamhachtaí na réadmhaoine in aice láimhe a chosaint.

22. Cuirfear moltaí maidir le hainmneacha sráide, scéimeanna uimhrithe tithe agus comharthaíocht ghaolmhar isteach chuig Coiste Logainmneacha Chomhairle Contae na Gaillimhe de chuid an údaráis phleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbraíocht. Ina dhiaidh sin, cuirfear comharthaí agus uimhreacha tithe ar fáil i gcomhréir leis an scéim arna comhaontú. Beidh na hainmneacha molta bunaithe ar ghnéithe stairiúla nó topagrafacha áitiúla, nó ar roghanna eile a mbeidh an t-údarás pleanála sásta leo.

Cúis: Ar mhaithe le hinléiteacht uirbeach agus úsáid as logainmneacha a chinntiú don fhorbraíocht nua atá iomchuí go háitiúil, lena n-áirítear limistéir chónaithe.

23. Cuirfear plean isteach chuig an údarás pleanála, agus comhaontófar é i scríbhinn leis, ina mbeidh sonraí maidir le dramhaíl/ábhair in-athchúrsáilte a bhainistiú laistigh den fhorbraíocht, lena n-áirítear saoráidí a chur ar fáil chun an dramhaíl/na hábhair in-athchúrsáilte a stóráil, a scaradh agus a bhailiú agus le haghaidh oibriú leanúnach na saoráidí sin, sula dtosófar an fhorbraíocht. Ina dhiaidh sin, déanfar an dramhaíl a bhainistiú i gcomhréir leis an bplean comhaontaithe.

Cúis: Chun foráil a dhéanamh bhainistíocht iomchuí dramhaíola/ábhar in-athchúrsáilte ar mhaithe leis an gcomhshaol a chosaint.

24. Sula dtosófar an fhorbraíocht, déanfaidh an forbróir éarlais airgid thirim, banna ó chuideachta árachais nó urrús eile a thaisceadh leis an údarás pleanála chun cur ar ais na mbóithre poiblí a urrú a d'fhéadfadh a bheith damáistithe trí iompar ábhar chuig an láithreán, chun soláthar agus críochnú sásúil bóithre, cosán, príomhlíonra uisce, draenacha, spáis oscailte agus seirbhísí eile a theastaíonn maidir leis an bhforbraíocht a urrú, in éineacht le comhaontú trína dtugtar an chumhacht don údarás áitiúil urrús mar sin nó chuid de a chur i bhfeidhm maidir le críochnú sásúil coda ar bith den fhorbraíocht. Beidh foirm agus méid an urrúis san fhoirm agus méid arna gcomhaontú idir an údarás pleanála agus an forbróir nó, in éagmais comhaontaithe, déanfar an t-ábhar a atreorú go dtí An Bord Pleanála le haghaidh cinnidh.

Cúis: Chun críochnú sásúil na forbraíochta a chinntiú.

BW

25. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála maidir le bonneagar agus saoráidí poiblí a bheidh chun tairbhe forbartha i limistéar an údaráis phleanála atá curtha ar fáil nó atá beartaithe le cur ar fáil ag an údarás nó ar a shon i gcomhréir le téarmaí na Scéime Rannchuidithe um Fhorbairt a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, arna leasú. Íocfar an ranníocaíocht sula dtosófar an fhorbraíocht nó ina leithéidí d'íocaíochtaí céimnithe agus a d'fhéadfadh an t-údarás pleanála a éascú agus beidh siad faoi réir ag forálacha innéacsaithe infheidhme ar bith de chuid na Scéime ag am na híocaíochta. Comhaontófar sonraí maidir le cur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, in éagmais comhaontaithe mar sin, déanfar an t-ábhar a atreorú go dtí An Bord Pleanála chun cur i bhfeidhm ceart théarmaí na Scéime a chinneadh.

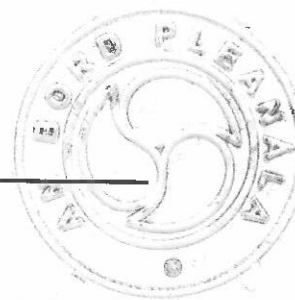
Cúis: Is riachtanas den Acht um Pleanáil agus Forbairt 2000, arna leasú, go gcuirfí coinníoll óna dteastaíonn ranníocaíocht i gcomhréir leis an Scéim Rannchuidithe um Fhorbairt a rinneadh faoi alt 48 den Acht i bhfeidhm maidir leis an gcead.



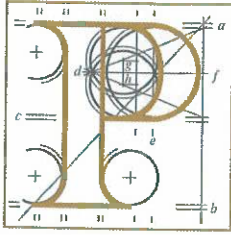
Dave Walsh

Comhalta den Bhord Pleanála

atá údaraithe mar is ceart séala an Bhoird a fhíordheimhniú.



Arna dhátú an 21^ú lá seo de Meitheamh 2022.



An
Bord
Pleanála

Board Order
ABP-309753-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 17/1618

Appeal by Baile Éamonn Teoranta care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C, Moneenageisha Road, Galway against the decision made on the 23rd day of March, 2018 by Galway County Council to refuse permission for the proposed development.

Proposed Development: The proposed new development will consist of the following: demolition of the existing dwelling (96.5 square metres) and associated shed (32 square metres) and structures, construction of a mixed-use development comprising: 81 number bedroom hotel and two number associated serviced detached dwellings; Business and Food Innovation Centre, six number detached residential dwellings and pedestrian and vehicular access ways, parking, services, site landscaping and all associated site works in the townland of An Spidéal Thiar, An Spidéal, 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.

Reasons and Considerations

Having regard to the nature and scale of the development, the land use zoning objectives for the site contained in the Gaeltacht Plan accompanying the Galway County Development Plan 2015-2021 and the provisions of the Draft Water Services Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in January 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of urban design, would be acceptable in terms of traffic and pedestrian safety, would not have unacceptable impacts on the environment, human health or the Irish language, would not be at risk of flooding and would not present a risk of flooding to other sites, and would be in compliance with the provisions of the Galway County Development Plan 2015-2021. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the submissions and observations on file, the information submitted as part of the appellant's Appropriate Assessment Screening Report, and the Planning Inspector's Addendum Report (Reference ABP-309753-21). In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other plans and projects in the vicinity, the proposed development would not be likely to have

a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required. In particular, the Board agreed with and adopted the Planning Inspector's assessment and conclusion that a Stage 2 Appropriate Assessment was not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 15th day of February 2018, the 7th day of March, 2018 and the 9th day of March, 2018, 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 the 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 streets and junctions that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Housing, Planning and Local Government in May, 2019.

Reason: In the interest of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in the Design Manual for Urban Roads and Streets.

3. Details of alterations to the road layout within the site, including the omission of the entrance to the local road (L5397) from the Business and Food Innovation Centre as per drawing number 2306-PA010-A Revision A submitted to the planning authority on the 15th day of February, 2018, the extent and exact layout of the proposed road reservation within the site, traffic markings, pedestrian crossings, cycle path provision and the provision of a footpath along the west side of the local road (L5397), shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of orderly development and traffic and pedestrian safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed screening to the private packaged wastewater treatment plant, and

- (c) details of proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of the visual amenities of the area.

- 6. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development, the developer shall submit to the planning authority for written agreement, a Stage 2 Detailed Design Stage Storm Water Audit.
- (c) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

7. Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water. Prior to commencing the development and decommissioning of the private wastewater treatment plant to serve the development, should this be initially commissioned, the developer shall enter into wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. In the absence of a connection to the commissioned Spiddal Municipal Wastewater Treatment Plant, as part of the Spiddal Sewage Scheme:
 - (a) The proposed development shall be served by the proposed temporary packaged wastewater treatment system which shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' – Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
 - (b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance, certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details, is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document, and the final

discharge does not exceed a chemical oxygen demand (COD) concentration of greater than 125mg/l.

- (c) The development shall provide for a separate connection to the wastewater network fronting the site to enable a future connection to be made upon commissioning of the municipal wastewater treatment plant for the area and, within three months of connecting to the commissioned municipal wastewater treatment plant, the proposed packaged wastewater treatment plant shall be decommissioned and removed, with the resultant area to be suitably landscaped as part of the development.

Reason: In the interest of public health, the protection of the environment and the visual amenities of the area.

- 9. Prior to the operation of the hotel, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

Reason: In the interests of public health and the environment.

- 10. The developer shall provide a drainage culvert sized so as to discharge 5,500 cubic metres per hour at minimal gradient (design flood tide), in order to mitigate the loss of on-site tidal flood storage during extreme storm surge events.

Reason: To mitigate any negative effect of the displacement of flood storage capacity during extreme storm surge events.

11. Trees to be removed on site shall be felled in late summer or autumn outside the bird nesting season and the winter (bat hibernation). Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of nature conservation.

12. Bat roosts shall be incorporated into the site and the recommendations of the Ecological Impact Assessment mitigation measures for bats shall be implemented in full, in accordance with the timelines set out. In this regard, prior to the commencement of the development, such mitigation and monitoring measures shall be set out as a written schedule, including committed timelines, and the schedule shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

13. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided along the pedestrian path on the western side of the local road (L5397) and shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

14. (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority.
- (b) The tourist accommodation, business and food innovation hub and residential development hereby permitted shall not be made available for occupation by the developer until such time as all enabling infrastructure to serve each element of the development are completed to the written satisfaction of the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants and the satisfactory completion of the overall development.

15. (a) A minimum of 80% of the houses (that is, five of the six houses) hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years. The developer shall submit a completed Linguistic Impact Statement to the planning authority providing details of compliance with this requirement prior to the commencement of development.
- (b) Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act 2000, as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish. Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to, and

agreed in writing with, the planning authority prior to the finalization of the agreement hereby conditioned. (Qualification for the Scéim Deontais Tithe will automatically qualify).

- (c) Within three months of commencement of development, the developer shall enter into a legal agreement with the planning authority (under the provisions of section 47 of the Planning and Development Act 2000, as amended), the purposes of which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been entered into with the planning authority pursuant to section 47 of the Planning and Development Act 2000, as amended.

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

- 16. Prior to commencement of development, the developer 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.

17. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV (electric vehicle) 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 commencement of development.

Reason: To provide for and/or future-proof the development such as would facilitate the use of electric vehicles.

18. The management and maintenance of the proposed development following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the tourist-related self-catering cottages, the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, the provision of electric vehicle recharging infrastructure, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of the private aspect of the development in the interest of visual amenity.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) features to obviate queuing of construction traffic on the adjoining pier and road network,
 - (f) features to prevent the spillage or deposit of clay, rubble or other debris on the pier and public road network,
 - (g) features addressing noise, dust and vibration, and observing/reviewing of such levels,
 - (h) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (i) means to ensure that surface water run-off is controlled, and
 - (j) details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of clarity, amenities, public health, safety and water quality.

20. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays 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 amenities of property in the vicinity.

22. Proposals for street names, house numbering schemes and associated signage shall be submitted to, and agreed in writing with, Coiste Logainmneacha Chontae na Gaillimhe (Galway County Council Placename Committee) of the planning authority prior to commencement of development. Thereafter, all signs and house numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for the new development, including residential areas.

23. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

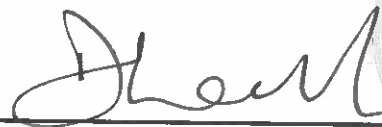
Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

24. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

25. 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.

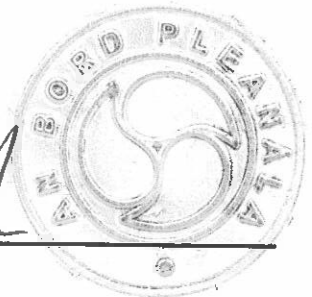
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 21st day of June 2022.