

**An
Bord
Pleanála**

**Ordú Boird
Board Order
ABP-309835-21**

**na hAchtanna um Pleanáil agus
Forbairt 2000 go 2021**

**Planning and Development Acts
2000 to 2021**

**Údarás Pleanála: Comhairle
Chontae na Gaillimhe**

**Planning Authority: Galway County
Council**

**Uimhir Thagartha i gClár Pleanála:
20/835**

**Planning Register Reference
Number: 20/835**

**Achomharc ó Máire Uí Mhuirín as
Páirc Thiar, An Spidéal, Contae na
Gaillimhe thar ceann Wild Defence
Ireland in aghaidh an chinnidh a rinne
Comhairle Contae na Gaillimhe ar an
2^ú lá de Mhárta, 2021 chun cead a
dheonú faoi réir coinníollacha
d'Údarás na Gaeltachta thar ceann
Aran Biomedical Teoranta faoi
chúram of N.J. Kearns and Company
Limited as Aonad 6 Dun Eibhir, na
Forbacha, Contae na Gaillimhe de
réir na bpleananna agus na sonraí a
taisceadh leis an gComhairle**

**Appeal by Máire Uí Mhuirín of Pairc
Thiar, An Spidéal, County Galway on
behalf of Wild Defence Ireland against
the decision made on the 2nd day of
March, 2021 by Galway County
Council to grant subject to conditions a
permission to Údarás na Gaeltachta on
behalf of Aran Biomedical Teoranta
care of N.J. Kearns and Company
Limited of Unit 6 Dun Eibhir, na
Forbacha, County Galway in
accordance with plans and particulars
lodged with the said Council:**

réamhráite:

An Fhorbairt Bheartaithe: Chun iarratas pleanála a dhéanamh ar chead chun an fhoirgneamh agus dabhach uisce atá ann faoi láthair a leagadh, monarcha nua le húsáid oifige gaolmar a thógail do Aran Biomedical Teoranta le spásanna páirceála, tírdhreachú agus oibhreaha suímh gailmhara ag áireamh athraithe ar an bpríomh bhealach isteach, ag Baile an tSagairt, An Spideál, Contae na Gaillimhe.

Proposed Development: To apply for planning permission to demolish the existing building and water tank, and build a new factory for related office use for Aran Biomedical Teoranta with parking spaces, landscaping and related site works including changes to the principal entrance ag Baile an tSagairt, An Spideál, County Galway.

An Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas de réir na bpleananna agus na sonraí sin bunaithe ar na cúiseanna agus na breithnithe faoi agus faoi réir na gcoinníollacha atá leagtha amach thíos.

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.

na hÁbhair Curtha san Áireamh

Agus a chinneadh á dhéanamh aige, d'fhéach an Bord do na nithe sin a cheanglaítear air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Áiríodh le hábhair den sórt sin aon aighneachtaí agus tuairimí a fuair sé de réir forálacha reachtúla.

Cúiseanna agus Tuisceanna

Ag féachaint do na húsáidí fostaíochta seanbhunaithe agus ceadaithe díreach ó dheas de shuíomh an achomhairc laistigh d'eastát tionsclaíochta iomlán Bhaile an tSagairt, an stair phleanála a bhaineann le suíomh an achomhairc agus an eastát tionsclaíochta iomlán, meastar, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, go mbeadh an fhorbairt bheartaithe de réir na mbeartas agus na gcuspóirí geilleagracha agus fiontraíochta mar atá leagtha amach i bPlean Forbartha Chontae na Gaillimhe 2015-2021, ní bheadh drochthionchar aici ar an timpeallacht

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

Having regard to the established and permitted employment uses immediately south of the appeal site within the overall Bhaile an tSagairt industrial estate, the planning history pertaining to the appeal site and the overall industrial estate, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the economic and enterprise policies and objectives as set out within the Galway County Development Plan 2015-2021, would not adversely impact on the local receiving environment and would, therefore, be in accordance with the

glactha áitiúil agus bheadh sé, dá bhrí sin, ag teacht leis an bPlean Forbartha Contae, le planáil cheart agus forbairt inbhuanaithe an cheantair.

proper planning and sustainable development of the area.

Coinníollacha

Conditions

1. Déanfar agus críochnófar an fhorbairt de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, arna leasú leis na plananna agus na sonraí breise a cuireadh isteach an 3ú lá Feabhra 2021, ach amháin mar is gá a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh. Sa chás go n-éilíonn coinníollacha den sórt sin sonraí a chomhaontú leis an údarás planála, aontóidh an forbróir sonraí den sórt sin i scríbhinn leis an údarás planála roimh thús na forbartha agus déanfar an fhorbairt agus é a chríochnú de réir na sonraí comhaontaithe.

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 on the 3rd day of February 2021, 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.

An chúis: Ar mhaithe le soiléire.

Reason: In the interest of clarity.

2. Sula n-osclófar an fhorbairt, cuirfear sonraí deiridh na Straitéise Bainistíochta Soghluaisteachta agus an Phlean Taistil don Ionad Oibre faoi bhráid an údaráis phleanála agus aontófar iad i scríbhinn leis. Déanfaidh sé seo soláthar do dhreasachtaí chun úsáid iompair phoiblí, rothaíocht, siúl agus comhroinnt gluaisteán a spreagadh i measc baill foirne atá fostaithe san fhorbairt agus chun páirceáil foirne a laghdú agus a rialú. Áireofar ar shonraí a bheidh le haontú leis an údarás pleanála soláthar áiseanna laistigh den fhorbairt do pháirceáil rothar, áiseanna cithfholctha agus gléasta a bhaineann leis na beartais atá leagtha amach sa straitéis.

An chúis: Ar mhaithe le húsáid córacha inbhuanaithe iompair a spreagadh.

3. Cuirfear pointí nasctha leictreacha ar fáil i 10% de na spásanna páirceála gluaisteán ar a laghad chun luchtú feidhmiúil feithiclí leictreacha a cheadú.

2. Prior to the opening of the development, final details of the Mobility Management Strategy and Workplace Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

3. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle

Feistefar na spásanna páirceála atá fágtha le duchtáil le haghaidh pointí nasctha leictreacha chun go bhféadfar pointí luchtaithe a fheistiú iontu amach anseo.

Cuirfear sonraí den tslí a mbeartaítear na riachtanais seo a chomhlíonadh a chur faoi bhráid an údaráis phleanála, agus aontófar i scríbhinn leis, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le hiompar inbhuanaithe.

4. Déanfar an tslí isteach i mbóthar L5395 a dhúnadh agus a athshuí sula dtosófar an fhorbairt bheartaithe.

An chúis: Ar mhaithe le sábháilteacht an tráchta.

5. Comhlíonfaidh socruithe draenála, lena n-áirítear diúscairt uisce dromchla, ceanglais an údaráis phleanála maidir le hoibreacha agus seirbhísí den sórt sin.

An chúis: Ar mhaithe le sláinte an phobail.

charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

4. The entrance onto the L5395 road shall be closed up and reinstated prior to occupying the proposed development.

Reason: In the interest of traffic safety.

5. Drainage arrangements, including the 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.

6. Sula gcuirfear tús leis an bhforbairt, rachaidh an forbróir i gcomhaontuithe ceangail uisce agus/nó fuíolluisce le hUisce Éireann.

An chúis: Ar mhaithe le sláinte an phobail.

7. Cuirfear sceideal de na hábhair ar fad de chóireáil sheachtrach na forbartha faoi bhráid an údaráis phleanála, agus aontófar iad i scríbhinn, sula gcuirfear tús leis an bhforbairt.

An chúis: Chun caighdeán cuí forbartha a chinntiú.

8. Cuirfear scéim tírdhrechtaithe faoi bhráid an údaráis phleanála, agus aontófar i scríbhinn leis, sula gcuirfear tús leis an bhforbairt. Tabharfar faoi na tograí tírdhrechtaithe laistigh den chéad séasúr plandaithe tar éis na n-oibreacha tógála seachtracha a bheith críchnaithe go substaintiúil. Déanfar gach plandú a chosaint go

6. Prior to commencement of development, the developer shall enter into water/wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

7. A schedule of all materials to be used in the external treatment of the development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development.

8. A landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The landscaping proposals 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

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leordhóthanach ó dhamáiste go dtí go mbeidh sé bunaithe. Déanfar plandaí ar bith a fhaigheann bás, a bhaintear, nó a dhamáistítear go tromchúiseach nó a thogann galar tromchúiseach, laistigh de thréimhse cúig bliana ó chríochnú na forbartha, a athsholáthar laistigh den chéad séasúr plandaithe eile le plandaí eile den mhéid céanna agus den speiceas céanna, mura gcomhaontófar a mhalairt i scríbhinn leis an údarás pleanála.

An chúis: Ar mhaithe le taitneamhacht chónaithe agus amhairc.

9. Cuirfear faoi bhráid an údaráis phleanála, agus aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt, plean ina mbeidh sonraí maidir le stóráil, leithroinnt agus bailiú dramhaíola agus ábhair in-athchúrsáilte faoi bhráid an údaráis phleanála agus aontófar i scríbhinn iad, sula gcuirfear tús leis an bhforbairt. Ina dhiaidh sin, déanfar an

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.

9. A plan containing details for the management of waste, including the provision of facilities for the storage, separation, and collection of the waste and recyclable materials 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.

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dramhaíl a bhainistiú i gcomhréir leis an bplean comhaontaithe.

An chúis: Soláthar a dhéanamh do bhainistiú cúí dramhaíola agus go háirithe ábhar in-athchúrsáilte ar mhaithe leis an gcomhshaol a chosaint.

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

10. Déanfar tógáil na forbartha a bhainistiú de réir Plean Bainistíochta Tógála Comhshaoil, a chuirfear faoi bhráid an údaráis phleanála agus a aontófar i scríbhinn leis sula gcuirfear tús leis an bhforbairt. Soláthrófar sa phlean sonraí den chleachtas tógála atá beartaithe don fhorbairt, lena n-áirítear bearta bainistithe torainn agus diúscairt dramhaíl tógála/scartála amach ón láthair.

An chúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhacht chónaithe

10. The construction of the development shall be managed in accordance with a Construction 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

11. Ní dhéanfar forbairt láithreáin agus oibreacha tógála ach idir na huaireanta 0800 agus 1900 ó Luan go hAoine san áireamh, idir 0800 agus 1400 uair ar an Satharn agus ní ar chor ar bith ar an Domhnach agus ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcúinsí eisceachtúla nuair a bhíonn cead scríofa roimh ré faighte ón údarás pleanála.

An chúis: Chun taitneamhachtaí na maoine sa chomharsanacht a chosaint.

12. Cuirfear soilsiú poiblí ar fáil de réir scéime, a gcuirfear sonraí ina leith faoi bhráid an údaráis phleanála agus a aontófar i scríbhinn leis sula gcuirfear tús leis an bhforbairt. Áireofar sa scéim soilsiú ar bhealaí do choisithe. Cuirfear an soilsiú ar fáil sula mbogfaidh na chéad daoine isteach sa tsaoráid nua monaraíochta agus oifige.

11. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

12. Public lighting for the development shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes. The lighting shall be provided prior to the first occupation of the new manufacturing and office facility.

An chúis: Ar mhaithe le sábháilteacht coisithe agus an tráchta.

Reason: In the interests of pedestrian and traffic safety.

13. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála i leith infrastruchtúir agus áiseanna poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis phleanála a sholáthraíonn nó a bheartaítear a sholáthar ag an údarás nó thar ceann an údaráis de réir théarmaí na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, arna leasú. Íocfar an ranníocaíocht roimh thús na forbartha nó i cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála agus beidh sé faoi réir aon fhorálacha innéacsaithe infheidhmithe den Scéim tráth na híocaíochta. Aontófar sonraí maidir le cur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, d'éagmais an chomhaontaithe sin, cuirfear an cheist faoi bhráid an Bhoird Pleanála chun a chinneadh an

13. 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

bhfuil téarmaí na Scéime á gcur i bhfeidhm i gceart.

determine the proper application of the terms of the Scheme.

An chúis: Tá sé ina cheanglas faoin Acht um Pleanáil agus Forbairt 2000, arna leasú, go gcuirfí coinníoll a éilíonn ranníocaíocht de réir na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht i bhfeidhm ar an gcead.

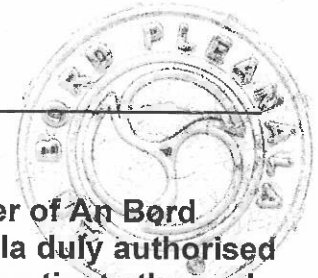
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Padraigín Ní Fhathaigh

Padraigín Ní Fhathaigh

Comhalta den Bhord Pleanála atá údaraithe go cuí chun séala an Bhord a fhíordheimhniú

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



Dátaithe ar an *22nd* lá seo de *Aibreann* 2022