

An
Bord
Pleanála

Board Order
ABP-310364-21

Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

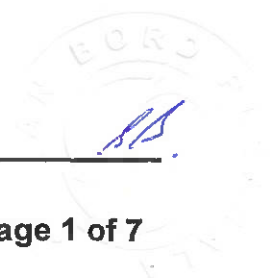
Planning Register Reference Number: 21/334.

Appeal by Marcus McDonnell care of Hanley Taite Design partnership of Virginia Shopping Centre, Virginia, County Cavan against the decision made on the 5th day of May, 2021 by Galway County Council to refuse a permission to the said Marcus McDonnell for the proposed development.

Proposed Development: To:

1. restore and extend existing semi-ruinous farm cottage for habitable use.
The works will involve:
2. minor external alterations to elevations including replacement of roof,
3. internal refurbishment to cottage, and
4. installation of new proprietary sewerage treatment system with filter area as well as all associated site works.

Gross floor space of proposed works: four square metres, gross floor space of retained works:- 32 square metres; all at Keerhaun South, 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

Having regard to the pattern of development in the area, to the provisions of the Galway County Development Plan 2015-2021, and to the nature, layout and design of the proposed restoration and refurbishment of the existing cottage, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with Objective RHO7 – Renovation of Existing Derelict Dwelling/Semi Ruinous Dwelling and Objective AH6 - Vernacular Architecture as set out in the Development Plan, and would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of the European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the sites' conservation objectives, other than the Slyne Head Peninsula Special Area of Conservation (Site Code: 002074) for which Appropriate Assessment is required.

Appropriate Assessment

The Board considered the Natura impact statement submitted with the application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for Slyne Head Peninsula Special Area of Conservation (Site Code: 002074) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects;
- (b) mitigation measures which are included as part of the current proposal;
- (c) conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 prior to 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 proposed tarmac finish on the driveway shall be omitted and instead the finish on the driveway within the site shall have a gravel surface with a grassed centre, details of which shall be submitted to, and agreed in writing with, the planning authority

Reason: In the interest of visual amenity and to protect the unique landscape in which the site lies.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

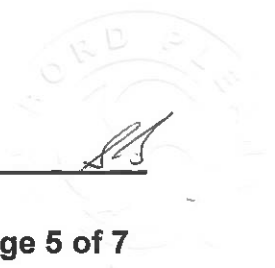
Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.



7. 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 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.

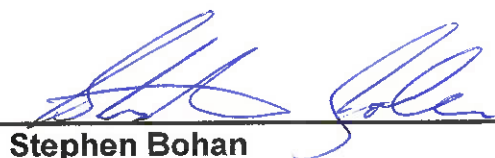
8. Prior to the commencement of development, the developer shall submit a Construction and Environmental Management Plan shall be submitted to, and agreed in writing with, the planning authority.

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



9. 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.

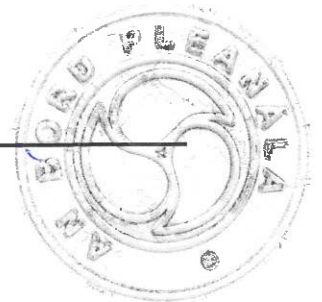
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Stephen Bohan

Member of An Bord Pleanála

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



Dated this *11th* day of *November* 2021.