

**An
Bord
Pleanála**

**Ordú Boird
Board Order
ABP-310510-21**

**na hAchtanna um Pleanáil agus
Forbairt 2000 go 2020**

**Planning and Development Acts
2000 to 2020**

Údarás Pleanála: Comhairle

**Planning Authority: Galway County
Council**

Contae na Gaillimhe

**Uimhir Thagartha i gClár Pleanála:
20/2060**

**Planning Register Reference
Number: 20/2060**

**Uimhir Thagartha an Bhoird
Phleanála: ABP-310510-21**

**An Bord Pleanála Reference
Number: ABP-310510-21**

Achomharc ó M. Walsh, faoi chúram
James O'Donnell Planning
Consultancy Services as Svúit 3, An
Tríú Urlár, Teach Ross, Plás Victoria,
An Fhaiche Mhór, Gaillimh, in
aghaidh an chinnidh a rinne
Comhairle Contae na Gaillimhe ar an
17 lá Bealtaine 2021 maidir le
hiarratas ó M. Walsh ar chead
d'fhorbairt ina raibh leasuithe ar
fhorbairt chónaithe a ceadaíodh
roimhe seo (Tagairt Phleanála

Appeal by M. Walsh, care of James
O'Donnell Planning Consultancy
Services of Suite 3, Third Floor, Ross
House, Victoria Place, Eyre Square,
Galway, against the decision made on
the 17th day of May 2021 by Galway
County Council in relation to the
application by M. Walsh for permission
for development comprising
amendments to a previously approved
residential development (Planning
Reference 19/314) to include an

CMG

19/314) chun láithreán méadaithe ina mbeadh slí do dhá theach cónaithe breise (dhá uimhir teach scoite cúig sheomra leapa) a chur san áireamh ann, leasuithe ar chineál tí D ag suíomhanna 7 go 12 agus an dá cheann san áireamh, agus oibreacha gaolmhara láithreáin ag Dreasla, An Cnocán Carrach, Bearna, Contae na Gaillimhe.

Ba é cinneadh Chomhairle Contae na Gaillimhe cead a dheonú, faoi réir coinníollacha áirithe, do leasuithe ar chineál tí D a ceadaíodh roimhe seo, ag suíomhanna 7 go 12 agus an dá cheann san áireamh agus cead a dhiúltú do láithreán méadaithe ina mbeadh slí do dhá uimhir theach cónaithe breise.

An Cinneadh

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

enlarged site accommodating two number additional dwelling houses (two number five-bedroom detached dwellings), amendments to previously approved house type D at sites 7 to 12 inclusive, and associated site works at Dreasla, Knockaunnacarragh, Barna Village, County Galway.

The decision of Galway County Council was to grant, subject to conditions, a permission for amendments to previously approved house type D at sites 7 to 12 inclusive and to refuse permission for an enlarged site accommodating two number additional dwelling houses.

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.

Nithe a Cuireadh san Áireamh

Agus a chinneadh á dhéanamh, d'fhéach an Bord do na nithe sin ar ceanglaíodh air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Bhí aighneachtaí agus tuairimí a fuarthas de réir na bhforálacha reachtúla san áireamh sna nithe sin.

Matters Considered

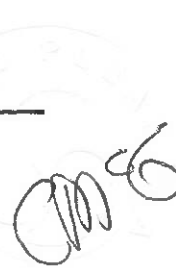
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Cúiseanna agus Tuisceanna

Ag féachaint do dhearadh, scála, leagan amach agus nádúr na forbartha beartaithe, maidir le foirm agus leagan amach na forbartha cónaithe a ceadaíodh roimhe seo ar an láithreán (uimhir thagartha an chláir phleanála 19/314), meastar, faoi réir chomhlíonadh na gcoinníollacha leagtha amach thíos, go mbeadh an fhorbairt a bheartaítear inghlactha i dtéarmaí criosú úsáide talún, leagan amach foriomlán, lena n-áirítear ríocht phoiblí agus taitneamhacht amhairc,

Reasons and Considerations

Having regard to the design, scale, layout and nature of the proposed development, to the form and layout of the previously approved residential development on site (planning register reference number 19/314), it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of land use zoning, overall layout, including public realm and visual amenity, would not seriously injure the quality of open space within the overall residential scheme, would



nach ndéanadh sé díobháil mhór do cháilíocht an spáis oscailte laistigh den scéim chónaithe fhoriomlán, go mbeadh sé inghlactha ó thaobh sábháilteacht coisithe agus tráchtá agus gur cineál oiriúnach forbartha ag an láthair seo a bheadh ann. Mar sin bheadh an fhorbairt atá beartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Coinníollacha

1. Cuirfear an fhorbairt i gcrích de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, a leasaíodh leis na pleananna agus sonraí breise a cuireadh isteach ar an 21ú Aibreán 2021, ach amháin nuair is gá a mhalairt a dhéanamh chun na coinníollacha seo a leanas a chomhlíonadh. I gcás ina gceanglaíonn na coinníollacha sin sonraí atá le haontú leis an údarás pleanála, aontóidh an forbróir na sonraí sin i scríbhinn leis an údarás pleanála sula dtosófar an fhorbairt, nó mar a cheanglófar ar shlí eile ag na coinníollacha thíos faoi seo, agus cuirfear an fhorbairt i gcrích de réir na sonraí aontaithe.

be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 on the 21st day of April 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 the commencement of development, or as otherwise stipulated by the conditions hereunder, and the

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

An chúis: Ar mhaithe le soiléire.

Reason: In the interest of clarity.

2. Baineann an fhorbairt a bheartaítear le dhá theach cónaithe scoite cúig sheomra leapa breise, leasuithe ar chineál tí D a ceadaíodh roimhe seo ag láithreáin 7 go 12 oibreacha láithreáin uilechuimsitheacha agus bainteacha, mar atá leagtha amach sa doiciméadacht a cuireadh isteach leis an iarratas. Seachas na himeachtaí a údaraítear go sonrach leis an gcead seo, déanfar an fhorbairt agus cuirfear i gcrích í de réir théarmaí agus choinníollacha an cheada a deonaíodh faoi uimhir thagartha an chláir phleanála PD19 / 314, agus aon chomhaontuithe a dhéanfar faoi

2 The proposed development relates to two number additional five-bedroom detached dwellings, amendments to previously approved house type D at sites 7 to 12 inclusive and associated site works, as set out in the documentation submitted with the application. Apart from the departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number PD19/314, and any agreements entered into thereunder.

An chúis: Ar mhaithe le soiléire agus le cinntiú go ndéanfar an fhorbairt fhoriomlán

Reason: In the interest of clarity and to ensure that the overall development is carried out in

de réir an cheadaithe roimhe seo.

3. Déanfar dearadh agus leagan amach an limistéir spáis oscailte phoiblí, agus an rochtain/bealach amach d'fheithiclí as an dá theach cónaithe bhreise (cineál tí E) agus cuirfear i gcrích é de réir na sonraí, mar atá leagtha amach do Rogha 1, sa Ráiteas ar Dhearadh Tírdhreacha a cuireadh faoi bhráid an údaráis phleanála ar an 21ú lá d'Aibreán 2021. Chun amhras a sheachaint, ionchorpraíonn Rogha 1 an crios baile / an t-achar dromchla i bpáirt díreach ó thuaidh ón dá theach cónaithe bhreise. Cuirfear moltaí maidir le hainm an eastáit/na forbartha, scéim d'uimhriú na n-aonad agus an chomharthaíocht ghaolmhar isteach chuig an údarás pleanála agus aontófar iad i scríbhinn, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le forbairt ordúil.

accordance with the previous permission.

3. The design and layout of the public open space area, and the vehicular access/egress to the two additional dwellings (house type E), shall be carried out and completed in accordance with the details, as set out for Option 1, in the Landscape Design Statement submitted to the planning authority on the 21st day of April 2021. For the avoidance of doubt, Option 1 incorporates the home zone/shared surface area to the immediate north of the two additional dwellings. Details of finishes of hard and soft landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

4. Cuirfear sonraí na n-ábhar, na ndathanna agus na n-uigeachtaí i gcás gach bailchríche sheachtraigh, isteach chuig an údarás pleanála agus aontófar i scríbhinn iad, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le taitneamhacht amhairc.

5. Socruithe draenála, lena n-áirítear uisce dromchla a dhiúscairt, a chomhlíonfaidh riachtanais an údaráis pleanála maidir leis na hoibreacha agus na seirbhísí sin.

An chúis: Ar mhaithe le sláinte an phobail.

6. Sula gcuirfear tús leis an bhforbairt, déanfaidh an forbróir comhaontuithe ceangail uisce agus fuíolluisce le hUisce Éireann.

An chúis: Ar mhaithe le sláinte an phobail.

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

Reason: In the interest of visual amenity.

5. Drainage requirements including the attenuation and 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. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

7. Ní chuirfear forbairt láithreáin agus oibreacha tógála i gcrích ach amháin idir na huaireanta 0800 go 1900 Luan go hAoine agus an dá lá sin san áireamh agus idir 0800 agus 0800 ar an Satharn. Ní dhéanfar aon obair ar an Domhnach ná ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcásanna eisceachtúla ina gcuireann an t-údarás pleanála ceadú ar fáil roimh ré.

An chúis: Chun taitneamhachtaí cónaithe réadmhaoine sa chomharsanacht a chosaint.

8. Bainisteofar tógáil na forbartha de réir Phlean Bainistíocht Tógála mionsonraithe, a chuirfear isteach chuig an údarás pleanála agus a aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt. Cuirfear ar fáil sa phlean seo sonraí an chleachtais tógála a bheartaítear san fhorbairt, lena n-áirítear bearta bainistithe

7. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 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 amenities of property in the vicinity.

8. 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 traffic



torainn agus an tslí a ndéantar dramhaíl foirgníochta/scartála dhiúscairt amach ón láithreán.

An chúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhachtaí cónaithe.

management, noise management measures and off-site disposal of construction waste.

Reason: In the interest of public safety and the amenities of the area.

9. Sula gcuirfear tús leis an bhforbairt, déanfaidh an t-iarratasóir nó duine eile a bhfuil leas aige sa talamh lena mbaineann an t-iarratas comhaontú i scríbhinn leis an údarás pleanála maidir le tithíocht a chur ar fáil de réir riachtanais alt 94(4) agus alt 96(2) agus (3) (Cuid V) den Acht um Pleanáil agus Forbairt 2000 leasaithe, ach amháin más amhlaidh gur chóir iarratas a bheidh déanta ar dheimhniú díolúne agus é a bheith deonaithe faoi alt 97 den Acht, leasaithe. I gcás nach ndéantar comhaontú mar sin laistigh d'ocht seachtaine ó dháta an ordaithe seo, is féidir go gcuirfidh an t-údarás pleanála nó aon pháirtí ionchasach eile i gcomhaontú an t-ábhar atá faoi

9. Prior to commencement of development, the applicant 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

dhíospóid (seachas ábhar a mbaineann alt 96(7) leis) ar aghaidh chuig an mBord Pleanála lena chinneadh.

An chúis: Riachtanais Chuid V den Acht um Pleanáil agus Forbairt 2000 leasaithe, agus den straitéis tithíochta sa phlean forbartha don cheantar a chomhlíonadh.

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.

10. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais maidir le bonneagar agus saoráidí poiblí a théann chun leasa forbartha i gceantar an údaráis pleanála a chuirtear ar fáil nó atá ceaptha le cur ar fáil ag nó thar ceann an údaráis de réir théarmaí na Scéime don Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, leasaithe. Íocfar an ranníocaíocht sula gcuirfeadh tús leis an bhforbairt nó ina thráth-íocaíochtaí de réir mar a éascóidh an t-údarás pleanála agus beidh sí faoi réir aon fhorálacha ábhartha

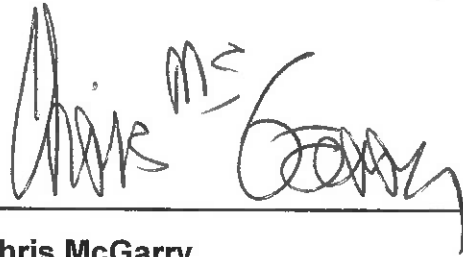
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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

innéacsaithe den Scéim ag uair na híocaíochta. Aontófar sonraí chur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, mura ndéantar comhaontú den sórt sin, tarchuirfear an cheist don Bhord Pleanála chun cuíchur i bhfeidhm théarmaí na Scéime a chinneadh.

An chúis: Is riachtanas é den Acht um Fhorbairt agus Pleanáil 2000 (leasaithe) go ndéanfaí coinníoll ina n-éilítear ranníocaíocht de réir na Scéime don Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht a chur i bhfeidhm maidir leis an gcead.

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.



Chris McGarry
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 18th lá seo de  2021