

An  
Bord  
Pleanála

Board Order  
ABP-313414-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/60049**

**Appeal** by David Donohue and Donna Gilligan of Brierfield South, Moylough, Ballinasloe, County Galway against the decision made on the 29<sup>th</sup> day of March, 2022 by Galway County Council to grant subject to conditions a permission to Louise Kilheeny and Killian Moore care of Paul Feeney of Unit 1, Riveroaks Centre, Claregalway, County Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a serviced dwellinghouse and domestic garage at Brierfield (Burke), Moylough, Ballinasloe, 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.**

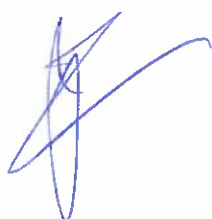
## Reasons and Considerations

Having regard to the policies and objectives of the Galway County Development Plan 2022-2028, and particularly Policy RH3 relating to the construction of rural dwellings in Structurally Weak Areas, the design, layout, scale and location of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of visual amenity, and would not adversely impact upon the adjacent road network capacity or safety or result in the creation of a traffic hazard. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 received by the planning authority on the 21st day of March, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. 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 commencement of development.

**Reason:** In the interest of visual amenity.

3. A landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The planting shall be carried out within the first planting season following substantial completion of external construction works. The existing hedgerow boundaries shall be retained within the site except where their removal is required to respect the sight visibility triangle or to enable the construction of the proposed dwelling. All planting shall be adequately protected from damage until 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.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 hours Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.



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

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. The developer shall enter into a wastewater and water connection agreement with Uisce Éireann (formerly Irish Water) prior to commencement of development.

**Reason:** In the interest of public health.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 2<sup>nd</sup> day of February, 2022 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the dwelling, 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 and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

 **Reason:** In the interest of public health.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

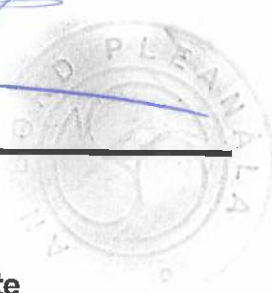
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



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**Joe Boland**

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



Dated this *15<sup>th</sup>* day of *July* 2023.