

An
Bord
Pleanála

Board Order
ABP-314869-22

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60766

Appeal by James and Mairead Cormican care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 20th day of September, 2022 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Permission for (1) dwellinghouse, new on-site wastewater treatment/percolation together with all associated services and (2) upgraded vehicular entrance onto residential estate road, on an infill and brownfield site within the Redington Woods Estate, Kilcornan, Clarinbridge Village, 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

The Board agreed with the Inspector and considered that the proposed development did not contravene policy objectives LCM1, LCM3, FL2, NHB 1, NHB 9 or DM Standard 8 or DM Standard 68 of the current Galway County Development Plan 2022-2028 and that the design and layout of the proposed development is consistent with that of the established pattern of development within the adjoining Redington Woods development.

Having regard to the pattern of development in the area, the location of the site within the designated rural settlement of Clarinbridge as set out within the current Galway County Development Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, subject to compliance with conditions set out below, the proposed development would not adversely impact the landscape character within Clarinbridge or the coastal area, that the design and layout are appropriate to the setting and consistent with the established built character of the area, that the proposals would not increase the risk of flooding, subject to surface water mitigation measures being implemented, that no adverse impact upon European sites nor bird species would arise nor would the proposals interfere with the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Screening

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, the Board concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Galway Bay Complex Special Area of Conservation (SAC) (Site code: 000268) and Inner Galway Bay Special Protection Area (SPA) (Site code: 004031), or any other European site in view of the site's Conservation Objectives, and an Appropriate Assessment (and submission of an Natura Impact Statement) is not therefore 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 received by An Bord Pleanála on the 17th day of October 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the bat survey report received by the planning authority on the 27th day of July, 2022 shall be implemented in full.

Reason: In the interest of protecting bats.

3. The developer shall enter into a water connection agreement with Uisce Éireann prior to the commencement of this development.

Reason: In the interest of public health.

4. The existing mature trees within the appeal site boundary shall be retained. The applicants shall incorporate the recommendations for the protection of the trees during the construction activities as set out within the Arboricultural Assessment Report submitted to the planning authority on the 27th day of July 2022. Prior to the commencement of development, boundary treatment details for the remaining site boundaries shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential and visual amenity.

5. The entrance and access driveway serving the proposed development, shall comply with the detailed standards of the planning authority for such road works. The ground levels of the entrance driveway shall be consistent with those of the adjoining service road. Precise details of the ground levels proposed shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7.
 - (a) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
 - (b) All recommendations set out within the Flood Risk Assessment Report, included as Appendix 4 within the appeal submission submitted to An Bord Pleanála on the 17th day of October 2022 shall be implemented in full.
 - (c) Two relief culverts with a minimum diameter of 300 millimetres shall be developed beneath the entrance driveway to the north-western section of the site and shall be installed prior to the occupation of the dwelling. Precise and final details of the culverts shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of public health.

8. (a) The development shall connect to the communal wastewater treatment plant as per the details submitted to An Bord Pleanála on the 17th day of October 2022. The applicants shall ensure that the communal effluent treatment and disposal system is maintained in accordance with current EPA best practice standards. 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 occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that connection to the communal proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with best practice EPA standards.

Reason: In the interest of public health.

9. 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.

10. 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.

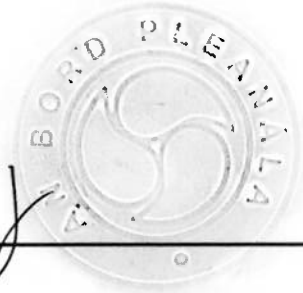
Reason: In the interests of visual and residential amenity.

11. 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.



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



Dated this 2nd day of April 2024