

An
Bord
Pleanála

Board Order

ABP-315531-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 22/60585

Appeal by Lisa and Jonnie Morgan of Sleepy Hollow, Rathcosgrove, Ardrahan, County Galway against the decision made on the 9th day of December, 2022 by Galway County Council to grant permission subject to conditions to Anne-Marie Costello care of Corbwell Design of Unit 17, Claregalway Corporate Park, Claregalway, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct a new dwellinghouse, a domestic garage, and wastewater treatment system and all associated site works all at Rathcosgry, Ardrahan, 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 plans submitted and reports on file as well as the nature, scale and location of the proposed development and the provisions of the Galway County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development could be assimilated into the landscape, would not give rise to a traffic hazard or impact on public health, would not injure the amenities of the area or property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board shared the views of the planning authority as follows;

- (a) that the proposed effluent treatment system would, subject to conditions, comply with the Environmental Protection Agency Code of Practice, and
- (b) that an additional house, subject to conditions, would not result in an adverse intensification of traffic movements and therefore, would not endanger public safety by reason of traffic hazard either during construction or when completed.

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 the planning authority on the 14th day of November 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. This permission relates solely to the development as advertised under the public notices.

Reason: In the interest of clarity.

3. Use of the proposed house shall be restricted to use as a house by the applicant, applicant's family, heirs, executors and administrators or persons involved in agricultural or related activities, returning emigrants or those with an essential housing need in this rural area, unless otherwise agreed by the planning authority, for a period of seven years. The period of restriction shall have effect from the date of first occupation of the house by the approved occupant. Prior to the commencement of development, the applicant/developer shall enter into a legal agreement with the planning authority (under the provisions of Section 47 of the Planning and Development Act 2000 (as amended)) the purpose of which shall be to give effect to the above restriction.

The house shall not be occupied until an agreement embodying a provision to give effect to the above restriction(s) has been entered into with the planning authority pursuant to Section 47 of the Planning and Development Act 2000 (as amended).

Reason: To ensure that development in the area in which the site is located is appropriately restricted.

4. (i) The proposed dwellinghouse shall have smooth nap plaster and/or natural local stone external finish.

(ii) The proposed windows shall be of powder coated aluminium and/or timber framed and/or non-white uPVC.

- (iii) The external doors shall be of timber construction unless otherwise agreed in writing with the planning authority prior to the commencement of development on site.
- (iv) The colour of the roof shall be black/blue tiles/slates only.
- (v) The colour of any rainwater goods shall be dark in colour/match the colour of the roof.

Reason: In the interest of visual and residential amenity.

- 5. The finishes and materials of the proposed domestic garage shall match those of the proposed dwellinghouse.

Reason: In the interest of visual amenity.

- 6. The proposed domestic garage shall not be used for habitable or commercial purposes or any other purpose other than that incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of orderly development.

- 7. (i) Any in-situ stone walls, hedgerow and/or trees bounding the site, shall be retained, except for the provision of the site entrance works/sight distance triangles.
- (ii) The site entry (southwestern site boundary) shall be constructed in accordance with the plans received by the planning authority on the 14th day of November 2022.
- (iii) New boundary treatments consisting of stone boundary wall, not exceeding 1.2 metres in height, shall be constructed along the southern and western boundaries and timber post-and-rail along the eastern

boundary (outer perimeters) in order to delineate the site from the broader landholding.

Reason: In the interest of protecting the biodiversity of the area and the visual amenity of the area.

8. All mitigation/control measures, as set out in the submitted Outline Construction Traffic Management Plan (Planning Consultancy Services – dated April 2022) and preliminary Construction and Environmental Management Plan (Corbell Design Consulting Engineers and Architects), received by the planning authority on the 14th day of November 2022, shall be fully implemented and shall be adhered to during all phases of the proposed development.

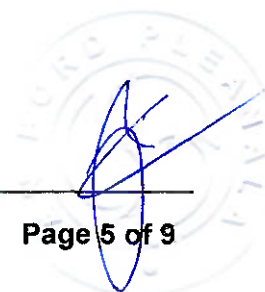
Reason: In the interest of protecting the biodiversity of the area.

9. (i) Prior to the commencement of any work on-site, the developer shall complete all works at the proposed access point to achieve the required sightlines. The public road network shall be maintained clean and free of any dirt or debris created as a result of the proposed development.
- (ii) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

Reason: In the interests of public and road safety and proper planning and development.

10. The dwellinghouse shall be served by water from the Kiltiernan Group Water Scheme.

Reason: In the interest of protecting public health.



11. All surface water shall be disposed of within the site to appropriately sized soakaways in accordance with BRE Digest 365, or equivalent, as per the plans received by the planning authority on the 14th day of November 2022, and shall not be discharged onto the road or the adjoining properties.

- (i) Only clean uncontaminated stormwater shall be discharged to the soakaway system.
- (ii) The site entrance shall be surfaced/graded to such levels to discharge into the site surface water drainage system in order to prevent surface water run-off onto the roadway. The development shall not impair existing land or road drainage.

Reason: In the interest of proper planning and sustainable development.

12. (i) The development shall be served by the proposed tertiary effluent treatment system and infiltration/treatment area (Tricel Novo Package Plant IRL6+ and EcoFlo Puraflo modules) which shall be located, constructed and maintained in accordance with the plans/particulars received by the planning authority on the 3rd day of June, 2022, as amended by the plans and particulars received on the 14th November 2022, and shall be in accordance with the requirements of the document "Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) EPA 2021". No other system shall be installed unless agreed in writing with the planning authority.
- (ii) The dwelling shall not be occupied until the effluent treatment system, as proposed, has been properly installed.
 - (iii) The proposed infiltration/treatment area shall maintain a minimum separation distance of 10 metres from any dwelling, existing or proposed land drain, third party effluent treatment system or watercourse.

- (iv) Immediately following installation of the treatment system, including the infiltration/treatment area, the developer shall submit to the planning authority a report from a suitably qualified person, with professional indemnity insurance, certifying that the effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the infiltration/treatment area is constructed in accordance with the standards set out in the EPA's Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) EPA 2021 and associated groundwater protection response.
- (v) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of three years from the first occupancy of the house and shall be kept in place at all times. Signed and dated copies of the contract shall be made available to the planning authority on request.
- (vi) Any soil/fill material being imported on site must be free of invasive species such as Japanese Knotweed, Ragwort, Gunnera and Rhododendron.

Reason: In the interest of public health.

- 13. 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 with the proposed development.

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

- 14. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 to 1700 hours on Saturdays and not at all on Sundays and public holidays. Deviation

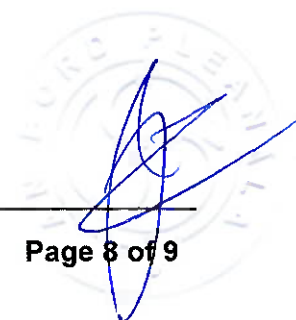
from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. All spoil (inert soil etc.) arising on the site shall be re-used/recycled (where feasible) and/or appropriately disposed of at a suitably licenced waste disposal facility. In any case, no such wastes shall be stored on the site following the completion of construction.

Reason: To minimise the visual impact of the development and to prevent dumping in unauthorised locations.

16. 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.



Joe Boland

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

Dated this *6th* day of *February* 2024