

An  
Bord  
Pleanála

Ordú Boird  
Board Order  
ABP-316037-23

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**Na hAchtanna um Pleanáil agus Forbairt 2000 go 2022**

**Planning and Development Acts 2000 to 2022**

**Údarás Pleanála: Comhairle Contae na Gaillimhe**

**Planning Authority: Galway County Council**

**Uimhir Thagartha an Chláir Phleanála: 2261261**

**Planning Authority Reference Number: 2261261**

Achomharc ó Mhicheál Breathneach ón Tulach, Baile na hAbhann, Contae na Gaillimhe in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe ar an 15ú lá Feabhra, 2023, cead a dheonú faoi réir coinníollacha do Mylan Teoranta faoi chúram Derek Conneely Ailtirí ag Leibhéal a hAon, Páirc Ghnó an Leasa Bháin, Bóthar Thuama, Gaillimh, Co. na Gaillimhe, de réir na bpleananna agus na sonraí atá curtha faoi bhráid na Comhairle sin:

**An Fhorbairt atá Beartaithe:** Iarratas a dhéanamh ar chead pleanála iomlán do shíneadh a chur le foirgneamh atá ann cheanna agus oibreacha suímh gaolmhara. Spás urláir comhlán na n-oibreacha beartaithe 281.00 más cuí. Derrynea, Doire an Fhéich, Casla, Contae na Gaillimhe.

## **An Cinneadh**

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

## **Cúiseanna agus Cúrsaí**

Ag féachaint don phatrún forbartha sa chomharsanacht agus do bheartais Phlean Forbartha Chontae na Gaillimhe 2022 -2028, agus do scála agus nádúr na forbartha atá beartaithe, meastar nach ndéanfadh an fhorbairt atá beartaithe, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach síos, díobháil thromchúiseach do thaitneamhachtaí réadmhaoine sa chomharsanacht, ná dochar do shláinte an phobail agus go mbeadh sé inghlactha ó thaobh tráchta agus sábháilteacht coisithe agus taitneamhacht amhairc. Mar sin bheadh an fhorbairt atá beartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

## Coinníollacha

1. Déanfar agus críochnófar an fhorbairt de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, ach amháin nuair is gá a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh. Sa chás go n-éilíonn coinníollacha den sórt sin sonraí a chomhaontú leis an údarás pleanála, aontóidh an forbróir sonraí den sórt sin i scríbhinn leis an údarás pleanála roimh thús na forbartha agus déanfar agus críochnófar an fhorbairt de réir na sonraí comhaontaithe.

**An chúis:** Ar mhaithe le soiléire.

2. Cuirfear sonraí maidir le hábhair, dathanna agus uigeachtaí gach bailchríoch sheachtrach ar an bhfoirgneamh faoi bhráid an údaráis phleanála, agus aontófar i scríbhinn leis, sula gcuirfear tús leis an bhforbairt.

**An chúis:** Ar mhaithe le taitneamhacht amhairc.

3. Comhlíonfaidh socruithe draenála, lena n-áirítear diúscairt uisce dromchla, ceanglais an údaráis phleanála maidir le hoibreacha agus seirbhísí den sórt sin. Sula dtosófar ar an bhforbairt cuirfidh an forbróir faoi bhráid an údaráis phleanála moladh mionsonraithe um dhearadh uisce dromchla ina n-ionchorprófar gné de bhearta an Chórais Draenála Uirbhig Inbhuanaithe más indéanta, cuirfear tuarascáil agus/nó liníochtaí dá leithéid faoi bhráid an údaráis phleanála le comhaontú scríofa a fháil.

**An chúis:** Ar mhaithe le sláinte an phobail agus le bainistiú an uisce dhromchla.

4. Cuirfear faoi bhráid an údaráis phleanála, agus aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt, plean ina mbeidh sonraí maidir le stóráil, leithroinnt agus bailiú dramhaíola agus ábhair in-athchúrsáilte faoi bhráid an údaráis phleanála agus aontófar i scríbhinn iad, sula gcuirfear tús leis an bhforbairt. Ina dhiaidh sin, déanfar an dramhaíl a bhainistiú i gcomhréir leis an bplean comhaontaithe.

**An chúis:** Soláthar a dhéanamh do bhainistiú cuí dramhaíola agus go háirithe ábhar in-athchúrsáilte ar mhaithe leis an gcomhshaol a chosaint.

5. Sula gcuirfear tús leis an bhforbairt, ullmhóidh an forbróir Plean Bainistíochta Dramhaíola Acmhainne mar atá leagtha amach i dTreoirlínte Dea-Chleachtais na Gníomhaireachta um Chaomhnú Comhshaoil maidir le Pleananna Bainistíochta Acmhainní agus Dramhaíola a Ullmhú do Thionscadail Tógála agus Scartála (2021), lena n-áirítear léiriú ar moltaí chun cloí le dea-chleachtas agus prótacail. Áireofar sa phlean sin tograí sonracha maidir le conas a dhéanfar an plean a thomhas agus a fhaireachán maidir le héifeachtacht; cuirfear na sonraí seo ar comhad agus coimeádfar iad mar chuid den taifead poiblí. Cuirfear an plean faoi bhráid an údaráis phleanála lena gcomhaontú scríofa a fháil sula gcuirfear tús leis an bhforbairt. Beidh gach taifead (lena n-áirítear dramhaíl agus acmhainní uile) de bhun an phlean chomhaontaithe ar fáil i gcónaí lena iniúchadh ag oifig an tsúimh.

**An chúis:** Ar mhaithe le bainistiú inbhuanaithe ar dhramhaíl.

6. Déanfar tógáil na forbartha a bhainistiú de réir Plean Bainistíochta Tógála Comhshaoil, a chuirfear faoi bhráid an údaráis phleanála agus a

aontófar i scríbhinn leis sula gcuirfear tús leis an bhforbairt. Soláthróidh an plan seo sonraí faoin gcleachtas tógála atá beartaithe don fhorbairt, lena n-áirítear:

- (a) Suíomh an tsuímh agus chompún na n-ábhar lena n-áirítear an limistéar/na limistéir a aithníodh le haghaidh stóráil bruscair tógála;
- (b) Suíomh na limistéar le haghaidh oifigí láithreán tógála agus áiseanna foirne;
- (c) Sonraí maidir le fálú slándála an tsuímh agus na mballaí cláir;
- (d) Mionsonraí na n-áiseanna páirceála ar an láthair le haghaidh oibrithe ar an láthair le linn na tógála;
- (e) Sonraí maidir le huainiú agus ródú tráchta tógála chuig an láithreán tógála agus uaidh agus an treochoimharthaíocht ghaolmhar, lena n-áirítear moltaí chun seachadadh ualaí neamhghnácha chuig an láithreán a éascú;
- (f) Bearta chun scuaine tráchta foirgníochta ar an gcé agus ar an ngréasán bóithre tadhlaigh a sheachaint;
- (g) Bearta chun doirteadh nó taisceadh cré, spallaí nó smionagar eile ar an gcé agus ar an ngréasán bóithre poiblí a chosc;
- (h) Socruithe malartacha le cur i bhfeidhm do choisithe agus d'fheithiclí i gcás go ndúnfar aon bhóthar poiblí nó cosán le linn oibreacha forbartha suímh;

- (i) Páirceáil a sholáthar do réadmhaoin atá ann cheana ag sonraithe na háiteanna le linn na tréimhse tógála;
- (j) Sonraí na mbeart maolaithe cuí maidir le torann, deannach agus creathadh, agus monatóireacht a dhéanamh ar na leibhéil sin;
- (k) Gach breosla agus an ola go léir a bhaineann le tógáil a shrianadh laistigh de bhundanna atá déanta go speisialta le cinntiú go ndéanfar doirteadh breosla a chuimsiú go hiomlán. Cuirfear díon ar bhundaí den sórt sin chun uisce báistí a choimeád amach;
- (l) Diúscairt dramhaíola tógála/ scartála lasmuigh den láthair agus sonraí faoin gcaoi a bhfuil sé beartaithe ithir thochailte a bhainistiú;
- (m) Ciallaíonn sé a chinntiú go ndéantar uisce dromchla a rith chun srutha a rialú sa chaoi is nach dtéann siolta ná aon truailleáin eile isteach i séaraigh ná i ndraenacha uisce dromchla áitiúla.

Coinneoidh an t-údarás pleanála taifead de sheiceálacha laethúla go bhfuil na hoibreacha á gcur i gcrích de réir an Phlean Bainistíochta Tógála Timpeallachta le cigireacht a dhéanamh air.

**An chúis:** Ar mhaithe le taitneamhachtaí, sláinte an phobail agus sábháilteacht.

7. Ní dhéanfar forbairt láithreáin agus oibreacha tógála ach idir na huaireanta 0800 agus 1900 ó Luan go hAoine san áireamh, idir 0800 agus 1400 uair ar an Satharn agus ar chor ar bith ar an Domhnach agus ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcúinsí eisceachtúla nuair a bhíonn cead scríofa roimh ré faighte ón údarás pleanála.

**An chúis:** Chun taitneamhachtaí na réadmhaoine sa chomharsanacht a chosaint.

8. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála i leith infrastruchtúir agus áiseanna poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis phleanála a sholáthraíonn nó a bheartaítear a sholáthar ag an údarás nó thar ceann an údaráis de réir théarmaí na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, arna leasú. Íocfar an ranníocaíocht roimh thús na forbartha nó i cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála agus beidh sé faoi réir aon fhorálacha innéacsaithe infheidhmithe den Scéim tráth na híocaíochta. Aontófar sonraí maidir le cur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, d'éagmais an chomhaontaithe sin, cuirfear an cheist faoi bhráid an Bhoird Pleanála chun a chinneadh an bhfuil téarmaí na Scéime á gcur i bhfeidhm i gceart.

**An chúis:** Tá sé ina cheanglas faoin Acht um Pleanáil agus Forbairt 2000, arna leasú, go gcuirfí coinníoll a éilíonn ranníocaíocht de réir na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht i bhfeidhm ar an gcead.

**Appeal** by Michael Breathneach of An Tulach, Baile na hAbhann, County Galway against the decision made on the 15<sup>th</sup> day of February, 2023 by Galway County Council to grant subject to conditions a permission to Mylan Teoranta care of Derek Conneely Architects of Level One, Liosban Business Park, Tuam Road, Galway, County Galway, in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** To apply for planning permission for an extension to an existing building and related site works. Gross floor space of proposed works: 281.00 if appropriate, at Derrynea/Doire an Fhéich, Casla, 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 pattern of development in the vicinity and to the policies of the Galway County Development Plan 2022 -2028, and to the scale and nature of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

3. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority a detailed surface water design proposal that incorporates an element of Sustainable Urban Drainage System measures if feasible, such a report and/or drawings shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

4. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

5. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) Provision of parking for existing properties at specified locations during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.


**Reason:** In the interest of amenities, public health and safety.

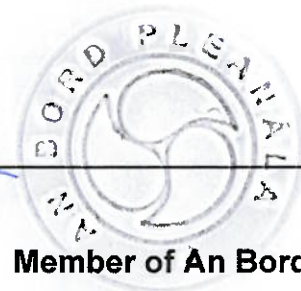
7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. 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.

  
**Liam Bergin**  
**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 22<sup>ú</sup> lá seo de Aibreán 2024