

An  
Bord  
Pleanála

**Board Order**  
**ABP-317614-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 23/177**

**Appeal** by Liam Madden of Vitruvius Hibernicus, Convent Road, Longford, County Longford and by Barry McCormack care of Michael J. Duffy of 1 Clos na hEaglaise, Kilfenora, County Clare against the decision made on the 27<sup>th</sup> day of June, 2023 by Galway County Council to grant subject to conditions a permission to Cahermorris Developments Limited care of Kieran O'Malley and Company Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Retention of works carried out since 31 December 2021 including the construction of the staff room, meeting room and plant room at first floor level (121.5 square metres gross floor area), external plant and elevations, canopy, trolley rack, building fit-out, signage, soft and hard landscaping, surface car park and all associated works to complete the supermarket previously approved at register reference number 20/384 (ABP-308213-20); (2) Retention of works carried out since 31 December 2021 at the fuel filling station including the formation of the site accesses and forecourt layout, the construction of a boundary wall and footpaths, lighting, soft and hard landscaping and all associated works previously approved at permission register reference number 19/1699 (ABP-

306850-20); (3) Retention of a two-storey building (514 square metres gross floor area to serve the fuel filling station comprising (i) a retail shop (100 square metres net retail floor area); (ii) hot food/deli counter and seating area (126 square metres total floor area) to include the sale of hot and cold food for consumption on and off the premises, cold room, store, lift and ATM all at ground floor level; (iii) overflow seating, toilets, staff room, cash office and storage at first floor level and all associated works previously approved at register reference number 20/1799 (ABP-310047-21); (4) Retention of the connections to water and wastewater infrastructure at R358 College Road (pursuant to Irish Water Connection Reference CDS1900364701) to serve the supermarket and fuel filling station; (5) Permission for the construction of works including the installation of the pump islands, pumps and forecourt canopy, delivery set down area, service bay fit out, tank offset fill delivery points, the placement of final macadam layer and forecourt surface, main ID signage and fascia signage, and all associated works necessary to complete the fuel filling station previously approved at permissions register reference number 19/1699 (ABP-306850-20) and register reference number 20/1799 (ABP-310047-21); and (6) to omit condition number 3 of permission register reference number 06/3886 (ABP PL 07.221318) as extended pursuant to register reference numbers 12/1428, 17/1699 and 21/2091, all on an approximate 1.27 hectare site at Treanrevagh, Mountbellew, 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 Galway County Development Plan 2022 -2028, and the scale and nature of the proposed development, and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 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. (a) This Order relates to the retention works already carried out and the proposed works illustrated by drawing reference DWG.3 and entitled Proposed Site Layout to be Retained and Completed and related plans and elevations, and the connections to water and wastewater infrastructure at R358 set out within the ownership details illustrated by drawing entitled Land Registry Compliant Map and detailed in drawing number 3021 entitled Proposed Site Layout proposed Drainage and Watermain Layout.
- (b) Condition number 3 of permission granted under appeal reference number PL 07.221318/planning register reference number 06/3886 shall not apply to the elements of the overall development proposed for retention and proposed development under this grant of permission.

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

3. All lighting within the site shall be directed and cowled so as not to interfere with passing traffic or the adjoining residential properties.

**Reason:** In the interest of residential amenity and traffic safety.

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

**Reason:** In the interest of protecting the character of the area.

5. A comprehensive boundary/entrance treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority.

This scheme shall include the following: -

- (a) details of boundary/entrance treatments along the southern boundary of the site adjoining the public road, including heights, materials and finishes; and
- (b) Details of boundary treatments and landscaping measures for the remainder of the site.

Upon receipt of written agreement from the planning authority the developer shall fully implement the approved details within six months unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity and traffic safety.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water from the proposed development, shall discharge onto the public road or adjoining properties.

Drainage details shall be submitted to and agreed in writing with the planning authority, within six months of the date of this Order, and the developer shall submit written confirmation, accompanied by photographs, to demonstrate that said works have been satisfactorily undertaken.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

7. The road works associated with the proposed development, including the setting out of the entrances, paving and surface finishes, shall be carried out and completed in accordance with the requirements of the planning authority. Pedestrian crossing facilities shall be provided at all junctions. Prior to commencement of development, full details of works to the public road and public realm shall be submitted to and agreed in writing with the planning authority. All works shall be carried out at the developers' expense.

**Reason:** In the interest of traffic safety and orderly development.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

9. At least one Rapid EV charging point shall be provided at a suitable location within the site and shall be operational prior to commencement of operation of the proposed filling station. Details of the location of this facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In order to provide for an appropriate standard of development.

10. The site shall be used as a petrol filling station and no part shall be used for the sale, display, or repair of motor vehicles.

**Reason:** In the interest of protecting the amenities of the area.

11. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the canopy on the forecourt building or anywhere within the curtilage of the site, unless authorised by a further grant of planning permission.

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

12. The hours of operation of petrol forecourt shall be between 0700 hours and 2300 hours.

**Reason:** In the interest of the residential amenities of property in the vicinity.

13. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

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

14. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of the visual amenities of the area.

15. 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 noise management measures and off-site disposal of construction/demolition waste.

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

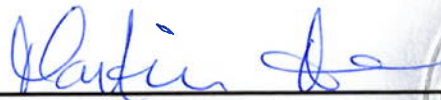
16. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

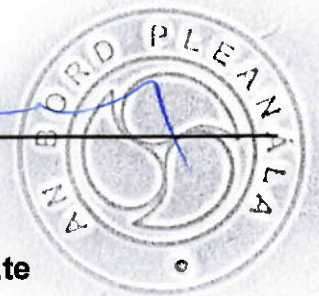
**Reason:** In the interest of reducing waste and encouraging recycling.

17. 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.

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



Dated this <sup>12</sup> day of June 2024.