



An
Bord
Pleanála

Ordú ón mBord
Board Order
ABP-319813-24

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 ar an gClár Pleanála: 23466

Planning Register Reference Number: 23466

Achomharc ó Úna agus Noel Gillespie, 68 Bun na Coille, Maigh Cuilinn, Gaillimh, in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 30^ú lá de mhí Aibreáin 2024 cead a dheonú, faoi réir coinníollacha, do Solemia Unlimited Company faoi chúram D Fallon Consulting Engineers, Oifig 25, Cúirt Calbro, Bóthar Thuama, Gaillimh, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin:

Forbairt Bheartaithe: Cead le haghaidh ceithre theach leathscoite (uimhir 41 go 44, agus an dá uimhir sin san áireamh) a thógáil ar láithreáin sheirbhísithe láithreacha laistigh d'Fhorbairt Cónaithe Bhun na Coille. Tá an dearadh tí agus na hoibreacha coimhdeacha gaolmhara ar an láithreán i gcomhréir le deonú pleanála 21/2071 ó Chomhairle Contae na Gaillimhe. Spás urláir comhlán na n-oibreacha beartaithe: 456 mhéadar chearnacha, ag Coill Bhruachláin, Maigh Cuilinn, Contae na Gaillimhe.

Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas i gcomhréir leis na pleananna agus na sonraí luaite, bunaithe ar na cúiseanna agus na cúinsí faoi bhun agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Cúiseanna agus Cúinsí

Ag féachaint do Phlean Forbartha Contae na Gaillimhe 2022-2028 agus don chuspóir críosaithe do Mhaigh Cuilinn, mar atá leagtha amach i bPlean Fáis Baile Bhig Mhaigh Cuilinn 2022-2028, chinn an Bord, faoi réir na coinníollacha atá leagtha amach thíos a chomhlíonadh, nach ndéanadh tógáil bheartaithe na gceithre theach cónaithe laistigh den eastát tithíochta láithreach aon dochar do thaitneamhacht na réadmhaoine sa chomharsanacht agus gur gá na ceithre theach a thógáil chun a chinntiú go gcríochnófar an t-eastát de réir an chaighdeáin is airde. Dá bhrí sin, bheadh an fhorbairt bheartaithe i gcomhréir le pleanáil chuí agus forbairt inchothaithe an limistéir.

Coinníollacha

1. Déanfar an fhorbairt agus críochnófar í i gcomhréir leis na pleananna agus na sonraí a taisceadh in éineacht leis an iarratas agus a leasaíodh leis na pleananna agus na sonraí breise a fuair an t-údarás pleanála an 5^ú lá de mhí Aibreáin 2024, seachas de réir mar is gá ar shlí eile chun na coinníollacha seo a leanas a chomhlíonadh. I gcás go gceanglófar leis na coinníollacha sin go gcomhaontófaí mionsonraí leis an údarás pleanála, comhaontóidh an forbróir mionsonraí den sórt sin i scríbhinn leis an údarás pleanála, nó mar a shonrófar ar shlí eile leis na coinníollacha thíos, sula dtosófar an fhorbairt, agus déanfar an fhorbairt



agus críochnófar í i gcomhréir leis na sonraí comhaontaithe. Cheal comhaontú, tarchuirfear an ní nó na nithe atá faoi dhíospóid chuig an mBord Pleanála lena chinneadh nó lena gcinneadh.

Cúis: Ar mhaithe le soiléire.

2. Ní bhaineann an cead seo ach leis na ceithre theach leathscoite atá sonraithe sna fógraí poiblí agus, i ngach slí eile, críochnófar an fhorbairt i gcomhréir le huimhreacha Tagartha Pleanála 21/2071 agus 06/5813, lena rialaítear forbairt fhoriomlán an láithreáin, ach amháin a mhéid a leasaíodh an méid sin leis na pleananna agus na sonraí a cuireadh isteach in éineacht leis an iarratas seo an 23^ú lá de mhí na Samhna 2023 agus an 5^ú lá de mhí Aibreáin 2024 agus leis na coinníollacha thíos.

Cúis: Ar mhaithe le soiléire agus forbairt inchothaithe rianúil.

3. Sula dtosófar na hoibreacha, cuirfidh an forbróir Plean Bainistíochta Tógála faoi bhráid an údaráis pleanála, agus comhaontóidh sé é i scríbhinn leis, agus cloífear leis an bPlean sin le linn na tógála. Áireofar leis an bPlean Bainistíochta Tógála mionsonraí faoi uaireanta comhaontaithe briseadh carraigeacha, faoin gcleachtas tógála don fhorbairt, lena n-áirítear bearta bainistíochta torainn agus deannaigh, agus faoi dhiúscairt dramhaíola tógála/scartála lasmuigh den láithreán.

Cúis: Ar mhaithe le sábháilteacht an phobail agus taitneamhacht.

4. Maidir le hoibreacha forbartha agus tógála láithreáin, ní dhéanfar iad ach amháin idir 0700 agus 1900 ón Luan go dtí an Aoine, agus an dá lá sin san áireamh, agus idir 0800 agus 1400 ar an Satharn, agus ní dhéanfar aon oibreacha ar bith ar an Domhnach ná ar laethanta saoire poiblí. Ní

cheadófar aon imeacht ó na hamanna sin ach amháin in imthosca eisceachtúla ina bhfuarthas réamhcheadú i scríbhinn ón údarás pleanála.

Cúis: Chun taitneamhachtaí cónaithe na réadmhaoine sa chomharsanacht a choimirciú.

5. Cuirfear mionsonraí faoi ábhair, dathanna agus uigeacht na mbailchríoch seachtrach uile ar na teaghaisí beartaithe faoi bhráid an údaráis pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt.

Cúis: Ar mhaithe le taitneamhacht amhairc agus chun ardchaighdeán cuí forbartha a chinntiú.

6. Ceadáítear leis seo an fhorbairt a dhéanamh agus a chríochnú i gcomhréir ar a laghad leis na caighdeáin tógála atá leagtha amach sna Caighdeáin ón údarás pleanála maidir le Glacadh faoi Chúram. In éagmais caighdeán sonrach áitiúil, beidh feidhm ag na caighdeáin atá leagtha amach sna 'Moltaí maidir le hOibreacha Forbartha Láithreáin do Limistéir Thithíochta' arna n-eisiúint ag an Roinn Comhshaoil agus Rialtais Áitiúil i mí na Samhna 1998. Tar éis an fhorbairt a chríochnú, déanfaidh an forbróir an fhorbairt a chothabháil i gcomhréir leis na caighdeáin sin go dtí go nglacfaidh an t-údarás pleanála faoi chúram í.

Cúis: Chun a chinntiú go ndéanfar an fhorbairt, agus go gcríochnófar í, de réir caighdeán inghlactha tógála.

7. Ba cheart gach cábla seirbhíse a bhaineann leis an bhforbairt bheartaithe, amhail cáblaí leictreacha, cáblaí teileachumarsáide agus cáblaí comhchoiteanna teilifíse, a bheith lonnaithe faoi thalamh. Soláthróidh an forbróir duchtú ionas gur féidir bonneagar leathanbhanda a sholáthar laistigh den fhorbairt bheartaithe.

Cúis: Ar mhaithe le taitneamhacht amhairc agus cónaithe.

8. (a) Ar feadh tréimhse seacht mbliana, déanfar 25% ar a laghad de na haonaid chónaithe (aonad amháin) a cheadaítear leis seo a theorannú dá úsáid acu sin ar féidir leo a léiriú go bhfuil cumas acu teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint.
- (b) Sula n-áiteofar an fhorbairt, déanfaidh an forbróir comhaontú alt 47 leis an údarás pleanála, chun díol an aonaid cónaithe shonraithe laistigh den fhorbairt a cheadaítear leis seo a theorannú dá úsáid ag áititheoirí a bhfuil inniúlacht/líofacht chuí acu i nGaeilge, ach amháin i gcás, tar éis tréimhse nach lú ná dhá bhliain ó dháta críochnaithe an aonaid tithíochta shonraithe, go léireofar é chun sástacht scríofa an údaráis pleanála nach rabhthas in ann an t-aonad tithíochta sonraithe a dhíol lena úsáid ag áititheoirí a bhfuil an inniúlacht/an líofacht is gá acu i nGaeilge.
- (c) Beidh an cinneadh ón údarás pleanála a cheanglaítear i mír (b) faoi réir fianaise dhoiciméadach shásúil a bheith faighte ag an údarás pleanála ón bhforbróir maidir le díol agus margú an aonaid cónaithe shonraithe. Sa chás sin, deimhneoidh an t-údarás pleanála i scríbhinn don fhorbróir nó d'aon duine a mbeidh leas aige nó aici sa talamh gur neamhníodh an comhaontú a rinneadh faoi alt 47 i leith an aonaid cónaithe shonraithe.
- (d) Beidh an inniúlacht/an líofacht chuí i nGaeilge a cheanglófar chun comhlíonadh an chlásail áitíochta sin a léiriú cosúil leis sin a



cheanglaítear chun B2 ar a laghad a bhaint amach ag Meánleibhéal 2 de scrúduithe Theastas Eorpach na Gaeilge. Soláthróidh áititheoir amach anseo an aonaid cónaithe shonraithe is ábhar don chlásal áitiachta sin cruthúnas chuige sin don fhorbróir, agus cuirfidh an forbróir in iúl don údarás pleanála, trí aighneacht comhlíonta, gur éirigh le haosach ainmnithe a chónóidh san aonad cónaithe sonraithe pas a fháil sa scrúdú sin nó i scrúdú Gaeilge ag leibhéal den chineál céanna. Ní mór an aighneacht comhlíonta a chur isteach sula gcuirfear an t-aonad cónaithe sonraithe ar fáil lena áitiú.

- (e) Leis an gcoinníoll sin, ní dhéanfar aon difear do dhíol na teaghaise ag morgáistí a bhfuil an teaghais ina sheilbh nó ina seilbh aige nó aici ná d'áitiú na teaghaise ag aon duine a dhíorthóidh teideal ó dhíol den sórt sin.

Cúis: Chun a chinntiú go n-úsáidfear an teach cónaithe beartaithe chun an clásal feidhme teanga a cheanglaítear le cuspóir beartais GA4 de Phlean Forbartha Contae na Gaillimhe a chomhlíonadh agus chun teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint, ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

9. (a) Ach amháin i gcás go gcomhaontófar a mhalairt leis an údarás pleanála, beidh cóireáil teorann agus tírdhreachú i gcomhréir leis na pleananna agus na sonraí a fuair an t-údarás pleanála an 23^ú lá de mhí na Samhna 2023 agus a leasaíodh leis na pleananna agus na sonraí a fuair an t-údarás pleanála an 5^ú lá de mhí Aibreáin 2024.
- (b) Is iad speicis dhúchasacha crann/plandaí, agus iad sin amháin, a chuirfear.



- (c) Is í aolchloch nádúrtha, agus í sin amháin, a úsáidfear le linn cóireálacha teorann os comhair limistéir phoiblí.

Cúis: Ar mhaithe le taitneamhacht amhairc agus cónaithe.

10. (a) Déanfaidh an forbróir gach beart riachtanach chun doirteadh nó sil-leagan cré, spallaí nó smionagair eile a chosc ar bhóithre poiblí tadhlacha nó ar chosáin thadhlacha le linn na n-oibreacha forbartha. Cinnteoidh an forbróir go mbeidh gach feithicil a bheidh ag fágáil na forbartha saor ó aon ábhar ar dócha go sil-leagfaidh sé ar an mbóthar agus, i gcás aon sil-leagan den sórt sin, déanfar bearta láithreacha chun an t-ábhar a bhaint den dromchla bóthair. Beidh an forbróir freagrach as an gcostas iomlán a bheidh ag baint le hoibreacha glantacháin bóthair/cosáin a chur i gcrích.
- (b) Déanfar gach feithicil/innealra a bhaineann leis na hoibreacha tógála don fhorbairt a cheadaítear leis seo a choinneáil laistigh den láithreán, agus déanfar socrú leordhóthanach don chéanna. I gcás go bpáirceálfar feithicilí/innealra a bhaineann leis na hoibreacha tógála ar an mbóthar poiblí nó ar chiumhais féir an bhóthair phoiblí, tabharfar de chumhacht don údarás pleanála nó don Údarás Bóithre scor de na hoibreacha uile ar an láithreán, agus ní atosófar na hoibreacha sin gan réamh-chomhaontú i scríbhinn a fháil ón údarás pleanála.

Cúis: Ar mhaithe le pleanáil agus forbairt chuí.



11. Sula dtosófar an fhorbairt, taiscfidh an forbróir leis an údarás pleanála banna de chuid cuideachta árachais, taisce airgid nó urrús eile chun a áirithiú go soláthrófar bóithre, séaraigh, príomhlíonra uisce, draenacha, carrchlóis, spásanna oscailte agus seirbhísí eile a cheanglaítear i ndáil leis an bhforbairt agus go gcríochnófar go sásúil iad, mar aon le comhaontú lena dtabharfar de chumhacht don údarás pleanála urrús den sórt sin nó cuid de a úsáid chun aon chuid den fhorbairt a chríochnú go sásúil.

Cúis: Chun críochnú sásúil na forbartha a chinntiú.

12. Íocfaidh an forbróir leis an údarás pleanála ranníocaíocht airgeadais i leith bonneagar agus saoraidí poiblí a rachaidh chun tairbhe d'fhorbairt i limistéir an údaráis pleanála, ar nithe iad a sholáthróidh an t-údarás nó a sholáthrófar thar a cheann, nó a bhfuil sé beartaithe ag an údarás iad a sholáthar nó a bhfuil sé beartaithe iad a sholáthar thar a cheann, i gcomhréir le téarmaí na Scéime Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú. Déanfar an ranníocaíocht sula dtosófar an fhorbairt nó trí cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála, agus beidh sí faoi réir aon fhorálacha innéacsaithe is infheidhme den Scéim tráth na híocaíochta. Comhaontófar mionsonraí chur i bhfeidhm na Scéime idir an t-údarás pleanála agus an forbróir nó, cheal comhaontú, tarchuirfear an ní chuig an mBord Pleanála chun cur i bhfeidhm cuí théarmaí na Scéime a chinneadh.

Cúis: Ceanglaítear leis an Acht um Pleanáil agus Forbairt, 2000, arna leasú, go ndéanfaí coinníoll lena gceanglaítear ranníocaíocht i gcomhréir leis an Scéim Ranníocaí Forbartha arna déanamh faoi alt 48 den Acht a chur i bhfeidhm i leith an cheada.



Appeal by Una and Noel Gillespie of 68 Bun an Coille, Moycullen, Galway against the decision made on the 30th day of April 2024, by Galway County Council to grant, subject to conditions, a permission to Solemia Unlimited Company care of D Fallon Consulting Engineers of Office 25, Calbro Court, Tuam Road, Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for the construction of four number semi-detached houses (numbers 41-44 inclusive) within existing serviced sites, within Bun na Coille Residential Development. House design and associated ancillary site works as per Galway County Council planning grant 21/2071. Gross floor space of proposed works: 456 square metres, at Coill Bhruachláin, Kylebroughlan, Moycullen, 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 to 2028 and to the zoning objective for Moycullen as set out the Moycullen Small Town Growth Plan 2022- 2028, the Board considered that, subject to compliance with the conditions set out below, the proposed construction of four dwelling houses within the existing housing estate would not adversely affect the amenity of properties in the vicinity and that the construction of the four houses is essential to ensure the estate is finished to the highest standard. 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 and as amended by further plans and particulars submitted to the planning authority on the 5th day of April 2024, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This permission is only for four number semi-detached houses as indicated under the public notices, and in all other respects the development shall be executed in accordance with Planning Reference numbers 21/2071 and 06/5813 which govern the overall development of the site, save where amended by the plans and particulars submitted with this application on 23rd day of November 2023 and 5th day of April 2024 and the conditions hereunder.

Reason: In the interest of clarity, orderly and sustainable development.



3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall include details of agreed rock breaking hours, and construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, and 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 residential amenities of property in the vicinity.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998, will apply. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

7. All service cables associated with the proposed development such as electrical, telecommunications and communal television should be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

8. (a) A minimum of 25% of the residential units (1 unit) hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of seven years.
- (b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of the specified residential unit within the development hereby permitted, for the use of occupants who have an appropriate competence/fluency in the Irish language, except where after not less than two years from the date of completion of the specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact the specified housing unit for use by occupants with the required competence/fluency in the Irish language.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified residential unit, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been annulled in respect of the specified housing unit.
- (d) The appropriate competence/fluency in the Irish language required to demonstrate compliance with this occupancy clause shall be akin to that required to achieve at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations. A future occupier of the specified residential unit which is the subject of this occupancy clause shall provide proof to the developer who shall inform the planning authority, by way of a compliance submission, that a nominated adult who shall reside in the specified residential unit, has successfully completed such an examination, or similar level of examination in the Irish language. The

compliance submission must be submitted prior to the specified residential unit being made available for occupation.

- (e) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed residential unit is used to meet the language enurement clause required by policy objective GA4 of the Galway County Development Plan and to preserve and protect the language and culture of the Gaeltacht, in the interest of the proper planning and sustainable development of the area.

- 9. (a) Unless otherwise agreed with the planning authority, boundary treatment and landscaping shall be as per the plans and particulars received by the planning authority on the 23rd day of November 2023, and as amended by the plans and particulars received by the planning authority on the 5th day of April 2024.
- (b) Planting shall comprise of native tree/plant species only.
- (c) All boundary treatments facing public areas shall be constructed using natural, limestone only.

Reason: In the interest of visual and residential amenity.



10. (a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning works.
- (b) All vehicles/machinery associated with construction works for the development here permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles/machinery associated with construction works, park on the public road or grass verge thereto, then the planning authority or the Roads Authority shall be empowered to cease all works on site and works shall not recommence without the prior written agreement of the planning authority.

Reason: In the interest of proper planning and development.

11. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development

12. 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.


MaryRose McGovern

Comhalta den Bhord

Pleanála atá údaraithe go cuí
chun séala an Bhord a
fhiordheimhniú


Member of An Bord

Pleanála duly authorised
to authenticate the seal
of the Board.

Dátaithe ar an

 lá seo de



2025