

An  
Bord  
Pleanála

**Board Order**  
**ABP-319871-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 2460094**

**Appeal** by Patrick Murphy care of PHE Engineering and Architecture of Unit 6 Galway Technology Park, Parkmore, Galway against the decision made on the 14<sup>th</sup> day of May 2024 by Galway County Council to grant subject to conditions a permission to Gerard Garvey care of OPC Design and Planning of Main Street, Loughrea, County Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a dwellinghouse, treatment unit, percolation area and all associated services at Lisduff, Loughrea, 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

It is considered that, subject to compliance with the conditions set out below, the proposed development, to be located in a structurally weak area, complies with the provisions of the Galway County Development Plan 2022-2028, would not be out of character with the surrounding area, would not be visually detrimental to the area, would not give rise to traffic hazard and would not give rise to issues of flooding or negatively impact upon the current ground water situation. 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, as amended by the further plans and particulars submitted on the 19<sup>th</sup> 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 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 dwelling 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.

3. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

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

4. (a) Wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 29<sup>th</sup> day of January, 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance)

certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

5. The existing front boundary hedge, and or trees shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

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

6. The landscaping scheme as submitted to the planning authority on the 29<sup>th</sup> day of January 2024 shall be carried out within the first planting season following substantial completion of external construction works.

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

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located


underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

**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.

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



Dated this 19<sup>th</sup> day of November 2024.