



An
Bord
Pleanála

Board Order ABP-320253-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 24/60556

Appeal by Callanan and Walsh Construction Company Limited care of Enviroplan Consulting Limited of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 9th day of July, 2024 by Galway County Council to refuse permission.

Proposed Development: Revisions to housing development previously permitted under planning register reference number 21/2388. The development will consist of the construction of seven number additional houses, comprising of two number Type A four-bedroom two-storey semi-detached houses, four number Type B three-bedroom two-storey semi-detached houses, and one number Type D two-bedroom single storey bungalow. Variation/omission of condition numbers 1, 2 and 17(b) of planning register reference number 21/2388. Provision for bin storage collection points. Connection to services permitted under planning register reference number 21/2388, together with all associated site works, all at Eallagh, Headford, 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 extant planning permission pertaining to the site, to the classification of Headford as a Small Growth Town within Chapter 2 of the Galway County Development Plan 2022-2028, and to the development management standards set out in the Development Plan, it is considered that, subject to compliance with the conditions set out below, the revisions to the proposed development, namely the additional seven dwelling units and associated site works, would be appropriate in terms of design and layout and the particular characteristics of the site would integrate appropriately with the established and permitted built environment of the area, would not adversely impact on any European Site, would not interfere with the safety and free flow of traffic or endanger public safety in the vicinity and the additional residential units within a previously permitted development would not undermine the Core Strategy of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 An Bord Pleanála on the 24th day of

July, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission, planning register reference number 21/2388, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The number of dwellings permitted pursuant to this Order is 7. The site layout shall be as indicated on the 'Site Layout Plan', drawing number 3003, received by the planning authority on the 15th day of May, 2024 (the overall number of dwellings on the application site being 56 as shown in said plan).

Reason: In the interest of clarity.

4. The communal bin collection areas as included within the plans and particulars received by the planning authority on the 15th day of May 2024 shall not be permitted, Bin collection shall be conducted from each of the individual residential units.

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

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

6. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 7. 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.



Tom Rabbette

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

Dated this  day of  2025.