



An
Bord
Pleanála

Board Order
ABP-320554-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 2460699.

Appeal by Leadlane (Ballinasloe) Limited care of Enviroplan Consulting Limited of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 23rd day of July 2024 by Galway County Council in relation to the application by Leadlane (Ballinasloe) Limited for permission for development comprising "Revisions to the "An Choill Fada" housing estate (under construction) previously permitted under planning authority register reference number 22/60425. The development will consist of: (1) Permission to vary Condition number 2(a) of planning authority register reference number 22/60425 to provide for the construction of two number semi-detached one-bedroomed bungalows with parking on an infill site, (2) Provision of a playground to serve this estate and the neighbouring "An Gort Fada" estate to the west (permitted by An Bord Pleanála under ABP-310373-21, which is under construction), (3) Permission to vary Condition number 14(a) of planning authority register reference number 22/60425 to provide for revisions to the boundary treatment along the northern edge of the estate to consist of 1.8 metre high block wall, capped and plastered on exposed faces, together with provision for a new native hedgerow, and (4) Permission to vary Condition number 14(b) of planning authority register reference number 22/60425 to provide for revisions to the internal side boundary treatments

between dwelling houses within the estate to consist of 1.8 metre high concrete post with concrete infill panels. The development will include for all associated site works. A Natura Impact Statement is submitted to the planning authority with this application. Gross floor space of proposed works: 116.00 square metres, at Kilgarve, Creagh, Ballinasloe, Galway, in accordance with the plans and particulars lodged with the said Council (which decision was to grant, subject to conditions, a permission for the provision of a playground to serve Choill Fada estate and the neighbouring An Gort Fada estate to the west (permitted by An Bord Pleanála under ABP-310373-21, which is under construction) and to refuse permission/outline permission to vary condition number 2(a) of planning authority register reference number 22/60425 to provide for the construction of two number semi-detached one-bedroomed bungalows with parking on an infill site; to vary condition number 14(a) of planning authority register reference number 22/60425 to provide for revisions to the boundary treatment along the northern edge of the estate to consist of 1.8 metre high block wall, capped and plastered on exposed faces, together with provision for a new native hedgerow; and to vary condition number 14(b) of planning authority register reference number 22/60425 to provide for revisions to the internal side boundary treatments between dwelling houses within the estate to consist of 1.8 metre high concrete post with concrete infill panels).

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 location of the appeal site within a permitted residential development, currently at an advanced stage of construction, the policies and objectives of the planning authority as set out in the Galway County Development Plan 2022-2028 and the Ballinasloe Local Area Plan 2022-2028, and specifically the Development Management Standards as set out in Chapter 15 of the Galway County Development Plan 2022-2028, it is considered that, subject to compliance with conditions set out below, the proposed revisions to the permitted development, would integrate appropriately with the established pattern of development in the area, would ensure an appropriate level of residential and visual amenity for the residents of the subject development and would not result in any negative impacts on the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment-Stage 1

The Board considered the Natura Impact Statement submitted to the planning authority, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Suck Callows Special Protection Area (Site Code 004097) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site. It is noted that there is a floodplain associated with a drainage channel located approximately ninety metres north of the appeal site, which ultimately acts a pathway to the River Suck SPA, located approximately 0.69 kilometres west of and downstream of the appeal site. Surface water outfall arising from construction works (silt/ hydrocarbon/ construction related), has the potential to adversely impacted groundwater which is classified as being

'highly vulnerable.' Therefore, it is considered that there is potential for adverse impacts upon water quality and the protected winter bird species who rely on these waters within the SPA and that Stage 2 Appropriate Assessment is required.

Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the River Suck Callows Special Protection Area (Site Code 004097) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (iii) mitigation measures which are included as part of the current proposal, and
- (iv) the report of the Planning Inspector.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the

European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the planning authority on the 10th day of June 2024, and the further plans and particulars submitted to An Bord Pleanála on the 14th day of August 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. (a) The development shall be carried out strictly in accordance with the mitigation measures identified in Section 6 (Mitigation Measures) of the Natura Impact Statement (NIS) and environmental control measures of the Construction Environmental Management Plan (CEMP) received by the planning authority on the 10th day of June 2024.
- (b) During the construction stage of the proposed development, the appointed contractor shall adhere to the Environmental Control Measures as set out in Section 5 of the Construction Environmental Management Plan (CEMP) received by the planning authority on the 10th day of June 2024. An appointed Construction Environmental Manager, ecological clerk of works or other

suitability qualified person shall oversee the implementation of the protective mitigation measures of the Natura Impact Statement and the Construction Environmental Management Plan during construction. Certification shall be provided by the appointed Construction Environmental Manager, ecological clerk of works or other suitability qualified person confirming that all of the mitigation measures included in the Natura Impact Statement and risk management measures included in the CEMP received by the planning authority on the 10th day of June 2024 have been implemented. This certification shall be made available to the planning authority upon request.

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

3. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission planning authority register reference number 22/60425 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.

4. Details of the materials, colours and textures of all external finishes of 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.

5. (a) The parallel parking spaces fronting the pair of semi-detached single storey units shall be as set out within the Site Layout Plan (Drawing number P-02) as submitted to the planning authority on the 10th day of June 2024.
- (b) Prior to the commencement of development, a suitable delineation in the surface materials between the access road carriageway and the three parallel car parking spaces shall be agreed in writing with the planning authority.
- (c) Each of the proposed semi-detached single storey units shall have one of the three parking spaces designated for their exclusive use and the third space shall be designated as visitor car parking space.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. The northern site boundary treatment shall comprise the plastered and capped site boundary wall, back planted with a native hedgerow, in accordance with the details submitted with the appeal on the 14th day of August 2024 (Drawing number PL.04).

Reason: In the interest of residential and visual amenity

7. (a) Prior to the commencement of development, a landscape plan, prepared by a suitably qualified professional, shall be submitted for the written agreement of the planning authority. The landscaping scheme shall be implemented in full within the first planting season following substantial completion of external construction works.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from

the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Surface water drainage arrangements, including attenuation and disposal, shall comply with the requirements of the planning authority for such works and services.

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

10. Prior to the commencement of development, an amended Construction Management Plan, having regard to the changes proposed to the parent permission planning authority Register Reference number 22/60425, shall be agreed with the planning authority.

Reason: In the interest of public safety and amenity.



11. Prior to the commencement of development, an amended proposal regarding the transfer of a percentage of the land, shall 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, having regard to the changes proposed to the parent permission planning authority Register Reference number 22/60425. 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., having regard to the changes proposed to the parent permission planning authority Register Reference number 22/60425, shall be agreed with the planning authority prior to the commencement of development.

12. (a) Prior to the commencement of any house or duplex unit in 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, as amended, that restricts all houses and duplex 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 specified house unit or duplex 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 of description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 13. Prior to commencement of development, revised proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority, having regard to the changes proposed to the parent permission planning authority Register Reference number 22/60425.

Reason: In the interest of clarity and urban legibility.



14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall 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.

15. The upkeep and maintenance of the proposed playground, and associated equipment, shall be the responsibility of the developer/management company, until such time as the estate has been taken in charge by the local authority.

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

16. 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 McGree

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

Dated this 7TH day of MAY 2025.