

An
Coimisiún
Pleanála

Commission Order
ABP-321191-25

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 24/60777

Appeal by Martin Hogan of 14 Ashlawn, Athenry Road, Loughrea, County Galway against the decision made on the 15th day of October, 2024 by Galway County Council to grant subject to conditions a permission to Kevin and Sharon O'Donnell care of Shane Hanniffy and Associates of Cottage, Maree, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, domestic garage, wastewater treatment system, polishing filter and all associated services, all at Ballyhogan, Kilreekill, 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

Having regard to the location of the site in a structurally weak area, where it is the policy objective to facilitate the development of individual houses in the open countryside, subject to compliance with normal planning and environmental criteria, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to request additional information from the applicant for the purposes of determining the appeal, the Commission examined the drawings submitted by way of further information to the planning authority on the 27th day of September, 2024, specifically drawing number 22130-11 Rev. A, which indicated that requisite sightlines can be achieved in both directions at the proposed entrance in accordance with the requirements of DM Standard 28 (Sight Distances Required for Access onto National, Regional, Local and Private Roads) of the Galway County Development Plan 2022-2028 and was satisfied that additional information was not required to demonstrate that adequate sightlines are achievable in both directions at the proposed entrance. The Commission also agreed with the Inspector that the applicant successfully addressed the second reason for refusal issued under An Coimisiún Pleanála reference number ABP-315774-23 in relation to the suitability of the site to accommodate a proprietary wastewater treatment plant.

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 the planning authority on the 27th day of September, 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.
 - (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
 - (b) The external walls shall be finished in neutral colours such as grey or off-white. Details of the materials colours and textures of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3.
 - (a) 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.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

- 4. (a) Prior to commencement of development, the developer shall complete all works at the proposed access point to the site and along the public road and at the boundaries of the adjoining lands to achieve the required sightlines as per the revised plans and particulars received by the planning authority on the 27th day of September, 2024.
- (b) The sight distance triangle shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required, and all roadside improvements for sight lines shall be carried out, completed, and maintained in accordance with the drawings and particulars received by the planning authority on the 27th day of September, 2024.
- (c) All works relating to the implementation and ground finishes in the area associated with the roadside site boundary and proposed site entrance shall be in accordance with the plans and particulars received by the planning authority on the 27th day of September, 2024. This space shall be cleared, graded, levelled, and surfaced to a standard suitable for use as a public road to the satisfaction of the area engineer and the planning authority.

Reason: In the interest of traffic safety.

5. Prior to commencement of development, the developer shall enter into a connection agreement with either Uisce Éireann or Kilrickle Group Water Scheme (whichever is more appropriate) in respect of public water supply to serve the proposed development. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all boundaries of the site,
- (b) the planting of trees at intervals along the boundaries of the site,
and
- (c) a timeframe for implementation.

Any plants, trees or hedging 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 visual amenity.

7. (a) The wastewater treatment system hereby permitted shall be in accordance with the standards set out in the document entitled "Code of Practice: Wastewater Treatment Systems for Single Houses" Environmental Protection Agency, 2009, or "Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/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 relevant Environmental Protection Agency document referred to above.
- (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.

8. The proposed garage shall not be used for habitable or commercial purposes or any other purpose other than that incidental to the enjoyment of the dwellinghouse.

Reason: In the interest of orderly development.

9. The construction of the proposed 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 all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

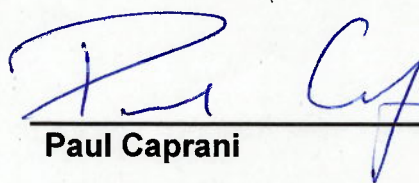
Reason: In the interest of public safety and residential amenity.

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

Reason: In the interest of visual and residential amenity.

11. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

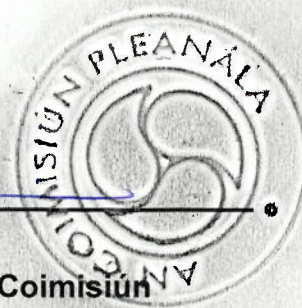
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *23rd* day of *October* 2025.