



An
Bord
Pleanála

Board Order ABP-321506-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 24/259

Appeal by Aine Forde and Mairead Collins of Drumacoo, Kilcolgan, County Galway against the decision made on the 26th day of November, 2024 by Galway County Council to grant subject to conditions a permission to Martin Keenan of Drumacoo, Kilcolgan, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a house, garage, treatment system and percolation area and all associated services, all at Drumacoo Townland, Kilcolgan, 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 provisions of the Galway County Development Plan 2022-2028, the nature, scale and form of the proposed development, and the pattern of development in the surrounding vicinity, it is considered that the applicant comes within the scope of the housing need criteria for a rural dwelling in this area, and that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate use in this rural location, would not give rise to an increased risk of flooding of the site or of property in the vicinity, and would be in accordance with the relevant design and siting requirements. 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 the planning authority on the 17th day of October, 2024 and on the 15th day of November, 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 proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

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 house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed dwellinghouse shall comply with the planning authority's Design Guidelines for Single Rural Houses, unless otherwise agreed in writing with the planning authority and in particular:
 - (a) The proposed dwellinghouse shall have a nap plaster and/or natural local stone external finish only.



- (b) The proposed windows shall be of powder coated aluminium or timber framed or non-white uPVC.
- (c) The external door shall be of timber construction.
- (d) The colour of the roof slates shall be blue/black.
- (e) The colour of the soffit/fascia and rainwater goods shall be dark in colour.

Reason: In the interest of visual amenity.

- 4. (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 the existing roadside drainage.
- (c) Only clean uncontaminated storm water shall be discharged to the soakaway system.
- (d) The proposed development shall not impair the existing land or road drainage.

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

- 5. Sight distance triangles shall be maintained and kept free from boundary walling, vegetation or other obstructions that would reduce the minimum visibility required. These sightlines shall be achieved and in place prior to any works commencing on site.

Reason: In the interest of road safety.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 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 Waste Water Treatment Systems (Population Equivalent ≤ 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 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.

7. (a) Site perimeter planting consisting of tree and shrub species native to the area shall be carried out in the first planting season following commencement of development on site. All planting shall be adequately protected from damage until established. Any failures within the first five years shall be replaced within the next planting season with others of similar size and species.

- (b) Landscaping shall include thorough screen planting on the lateral boundaries and rear boundary of the site through the planting of mixed trees and plant species indigenous to the area concerned, and densely planted hedging of native species.
- (c) Any in-situ stonewalls, hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance works/sight distance triangles.

Reason: In the interest of visual amenity.

- 8. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

9. 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. 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 4th day of June 2025.