

An  
Coimisiún  
Pleanála

Commission Order  
ABP-321520-24

**Planning and Development Act 2000, as amended**

**Planning Authority: Galway County Council**

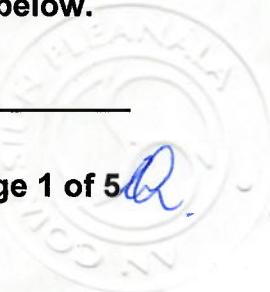
**Planning Register Reference Number: 2461294**

**Appeal** by Michael Burke of 1 Dunguaire Haven, Kinvara, County Galway against the decision made on the 26<sup>th</sup> day of November 2024, by Galway County Council to grant, subject to conditions, outline permission to Alice, Claire, Patrick and Seamus Higgins care of Cronin Architects of Main Street, Kinvara, County Galway in accordance with plans and particulars lodged with the said Council

**Proposed Development:** Outline permission for the proposed construction of four number dwelling houses, vehicular and pedestrian access, lighting, landscaping, connection to existing public services and all related works at Dungory West, Kinvara, County Galway.

### **Decision**

**GRANT outline 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 within the existing built up area of Kinvara, on residentially zoned and serviced lands, the established pattern of residential development in the area, the nature and scale of the proposed development and the provisions of the Galway County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the principle of the proposed development would be appropriate. The principle of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. This outline permission relates solely to the principle of the development on this site, and it shall not be construed as giving consent to the following:
  - (i) The overall site layout of the development.
  - (ii) The design and layout of proposed dwelling units.
  - (iii) The layout of the access road, services and public open space.

**Reason:** In the interest of clarity.

2. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:

- (a) a comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
- (b) a site layout plan to a scale of not less than 1:500 showing the layout of the dwellings, driveways and boundaries,
- (c) the finished ground floor level of the dwellings by reference to existing site levels and road levels,
- (d) full details of the layout, siting, height, design and external appearance of the dwellings and boundaries,
- (e) full details of any cut and fill on site to accommodate the development,
- (f) a Landscaping Plan for the site which retains the existing trees and hedgerows defining the site boundaries and reinforces these with native planting,
- (g) public lighting proposals, and
- (h) full details of the public open space.

**Reason:** In the interest of clarity and to enable the application for permission consequent to be fully assessed.

3. Details for the disposal of surface water shall be submitted by way of application for permission consequent and shall comply with the requirements of the planning authority for such works and services. 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.

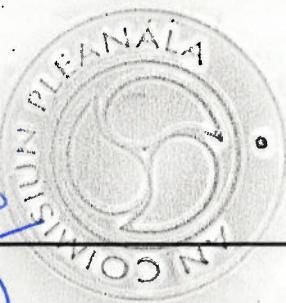
**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

4. The developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply prior to the commencement of development.

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

5. At the permission consequent stage, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.



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*Mick Long*

**Mick Long**  
Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 19<sup>th</sup> day of December 2025.