



An
Bord
Pleanála

Board Order ABP-321596-25

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 24/60659

Appeal by Thomas and Eileen Mills care of Ruane Survey, Design and Planning Limited of Fohenagh, Ahascragh, Ballinasloe, County Galway against the decision made on the 3rd day of December, 2024 by Galway County Council to grant permission, subject to conditions, to Aileen and Sean McCormack care of Paul McMahon of Barleyhill, Kingscourt, County Meath for the proposed development.

Proposed Development: Demolition of the existing dwelling and the construction of a new storey and three-quarter type dwelling and detached double garage and the provision of a new wastewater treatment system and polishing filter together with all associated site development works at Abbeyland Little, Clonfert, Ballinasloe, 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 subject site within a rural area, to the provisions of the Galway County Development Plan 2022 – 2028, to the nature, scale and form of the proposed development, and to the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would be justified in terms of demolition and replacement and acceptable in terms of siting, design and wastewater treatment, would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would constitute an appropriate development in this rural location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 20th 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) the two central first floor windows in the north-west elevation shall be in opaque glass that shall be permanently maintained and fixed in position, and
- (b) louvre panels shall be fitted to the two first floor north-west facing windows serving the bedrooms.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

- 3.
- (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 nap plaster and/or natural local stone.
 - (c) The colour of the rainwater goods shall be dark in colour/match the colour of the roofs.
 - (d) The external finishes of the garage shall match those of the dwelling.

Reason: In the interest of visual amenity.

4. (a) Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority drawings demonstrating that the required sightlines from the vehicular entrance can be achieved in accordance with DM Standard 28 of the Development Plan. Such plans shall outline any works required to achieve such sightlines and shall otherwise preserve existing roadside boundaries and mature trees in their present condition and the height of any roadside boundaries shall be limited to a maximum height of one metre to maintain adequate visibility.
- (b) Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

5. (a) The landscaping scheme shown on drawing number 101, as submitted to the planning authority on the 20th day of November, 2024 shall be carried out within the first planting season following substantial completion of external construction works.
- (b) Planting shall maintain a separation distance of three metres minimum from the effluent treatment system including the infiltration / treatment area.
- (c) 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.

6. Any new front boundary shall be of local, un-plastered natural stone and/or native hedgerow species and shall not exceed 1.0 metres in height.

Reason: In the interest of visual amenity.

7. The proposed domestic garage shall not be used for habitable or commercial purposes or any other purpose other than that incidental to the enjoyment of the dwelling house.

Reason: In the interest of orderly development.

8. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) 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. (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.

10. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 2nd day of June 2024 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 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 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 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.

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

12. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of public health and reducing waste.

13. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. 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.



Declan Moore

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

Dated this 29th day of APRIL 2025