

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Application for Substitute Consent by Newmar Developments in accordance with Section 177E of the Planning and Development Act 2000, as amended by the insertion of Section 57 of the Planning and Development (Amendment) Act 2010, as amended.

Location of development: Retention and completion of eight dwellinghouses - 9 to 16, inclusive, Garraí Mhic Aodha, Ballyhugh, Gort –

Construction of 32 dwellinghouses:

17 to 20, inclusive, Garraí Mhic Aodha, Ballyhugh, Gort; and

1 to 28, inclusive, Gort An Choirce, Ballyhugh, Gort, County Galway.

Decision

The Commission, in accordance with Section 177K of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, decided to GRANT substitute consent in accordance with the following conditions.

Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

- (a) the provisions of the Planning and Development Act 2000, as amended, and in particular Part XA and the provisions of the Planning and Development Regulations 2001, as amended,
- (b) the applicable national, regional and local planning policy provisions, including the Galway County Development Plan 2022-2028 and the Gort Local Area Plan 2025-2031,
- (c) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the remedial Natura Impact Statement, and the Conservation Objectives, qualifying interests and special conservation interests for the Coole-Garryland Complex Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (Site Code: 004107),
- (d) the report and the opinion of the planning authority under section 177 I of the Planning and Development Act 2000, as amended,
- (e) the planning history of the site, as detailed in the Inspector's Report,
- (f) the report and recommendation of the Inspector,
- (g) the planning history of the area,

- (h) the nature, scale, characteristics and location of the development, the subject of this application for substitute consent, including in relation to potential significant effects on the environment and on the integrity of European Sites in the area, and
- (i) the case put forward by the applicant as part of the subject substitute consent application that exceptional circumstances exist that would justify the grant for substitute consent.

Appropriate Assessment: Stage 1:

The Commission carried out an Appropriate Assessment screening exercise in relation to the potential effects of the development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Coole-Garryland Complex Special Area of Conservation (Site Code 000252) and the Coole-Garryland Special Protection Area (Site Code 004107) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Remedial Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the development for the Coole-Garryland Complex Special Area of Conservation (Site Code 000252) and the Coole-Garryland Special Protection Area (Site Code 004107). The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment, as well as the report of the Inspector. In completing the assessment, the Commission considered the likely direct and indirect impacts arising from the development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Commission was satisfied that the development would not adversely affect the integrity of Coole-Garryland Complex Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (Site Code: 004107) in view of the sites' Conservation Objectives.

Likely Effects on the Environment/Environmental Impact Assessment

There are no likely effects on the environment and the requirement for EIA was screened out. The reasoned conclusion on environmental effects was up to date at the time of the decision.

Proper Planning and Sustainable Development:

Having regard to the nature, scale and extent of the development, and noting that the integrity of European Sites would not be adversely affected in view of the sites' Conservation Objectives, and, subject to compliance with the conditions set out below, it is considered that the development would be in accordance with Policy Objectives CS2, NHB 2 and NHB 3 of the Galway County Development Plan 2022-2028, as well as the residential zoning objective in the Gort Local Area Plan 2025-2031, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

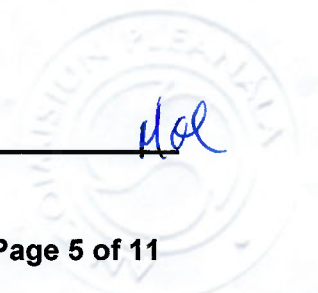
Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission equating to five years.



3. The mitigation measures contained in the submitted remedial Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission under planning register reference number 08/2336 and any subsequent amendments, unless the conditions set out hereunder specify otherwise.

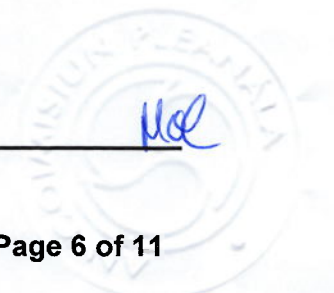
Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

5. Prior to commencement of development, 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 hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

6. Details of the materials, colours and textures of all the external finishes to the dwellings and all boundary treatments 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 standard of development.



7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation, unless otherwise agreed with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998 shall apply. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. The developer shall enter into connection agreements with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

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

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

12. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving the residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

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14. (a) Prior to the commencement of 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) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant residential 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 of the residential units 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 or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

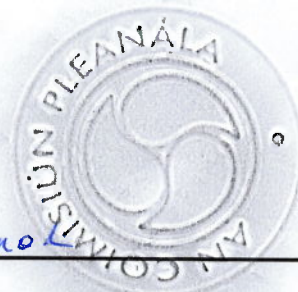
15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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 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.

Marie O'Connor



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

Dated this *03rd* day of *September* 2026.