

An
Coimisiún
Pleanála

Ordú ón gCoimisiún
Commission Order
ABP-322452-25

An tAcht Pleanála agus Forbartha, 2000, arna leasú

Planning and Development Act 2000, as amended

Údarás Pleanála: Comhairle Contae na Gaillimhe

Planning Authority: Galway County Council

Uimhir Thagartha ar an gClár Pleanála: 2460904

Planning Register Reference Number: 2460904

Achomharc ó Solus Holdings ULC, faoi chúram Enviroplan Consultancy Limited, Svuít 3, An Tríú hUrlár, Teach an Rois, Plás Victoria, An Fhaiche Mhór, Gaillimh, agus ó Chois Fharraige, Fóram Chois Fharraige, Pleanáil Teanga CTR, Inis Fáil, An Spidéal, Contae na Gaillimhe, in aghaidh an chinneadh a rinne Comhairle Contae na Gaillimhe an 8^ú lá de mhí Aibreáin 2025 cead a dheonú, faoi réir coinníollacha, i gcomhréir le pleananna agus sonraí a taisceadh leis an gComhairle sin.

Forbairt Bheartaithe: Foirgneamh óstáin dhá stór (os cionn an íoslaigh) atá ann cheana agus seid aon stóir a scartáil agus a bhaint, agus oibreacha gaolmhara láithreáin a dhéanamh. Foirgneamh úsáide measctha (trí stór) a thógáil, lena n-áireofar spás urláir tráchtála ar urlár na talún ag tosach an fhoirgnimh (an chuid theas), agus oifig fáiltithe ligin ghearrthearmaigh agus áit iniata stórála araidí ann. 10 n-aonad árasán chónaithe ag cúl an fhoirgnimh (an chuid thuaidh), ina mbeidh cúig árasán aon seomra leapa ar leibhéal urlár na talún (Cineál A) agus cúig árasán dhá leibhéal agus dhá sheomra leapa

(Cineál B) ar leibhéal an chéad urláir agus ar leibhéal an dara hurlár. Ocht n-aonad tráchtála ligin ghearrthearmaigh ar leibhéal an chéad urláir agus ar leibhéal an dara hurlár ag tosach an fhoirgnimh (an chuid theas), ina mbeidh sé árasán dhá leibhéal agus dhá sheomra leapa (Cineál C) agus dhá árasán dhá leibhéal agus trí sheomra leapa (Cineál D). Limistéar comhchoiteann spáis oscailte a mbeidh limistéar súgartha, spás oscailte príobháideach, soilsiú poiblí, tírdhreachú bog agus crua agus cóireálacha teorann athbhreithnithe aige a sholáthar. Áiteanna páirceála carranna, lena n-áireofar spásanna luchtaithe tiomnaithe d'fheithiclí leictreacha, mar aon le duchtáil chuig na spásanna uile le haghaidh pointí luchtaithe leictrigh amach anseo. Bealach isteach athbhreithnithe d'fheithiclí a mbeidh nasc coisithe isteach ar Bhóthar an Chósta/R336 aige a sholáthar. Foirgneamh stórála rothar aon stóir agus spásanna rothar lasmuigh do chuairteoirí a sholáthar. Nasc le séarach poiblí, le príomhlíonra uisce poiblí, le séarach stoirme poiblí agus le draenáil uisce dromchla, mar aon leis na hoibreacha agus seirbhísí gaolmhara láithreáin uile, lena n-áireofar tírdhreachú le trealamh súgartha nádúrtha, agus iad uile ag An Spidéal Thiar, Óstán Cheol na Mara, Contae na Gaillimhe.

Cinneadh

Ag féachaint do chineál na gcoinníollacha is ábhar don achomharc, is deimhin leis an gCoimisiún nach mbeadh údar maith le cinneadh ón gCoimisiún ar an iarratas iomchuí amhail is dá mba chuige a rinneadh é ar an gcéad dul síos agus, bunaithe ar na cúiseanna agus na cúinsí atá leagtha amach thíos, ordaíonn sé don Chomhairle sin faoi fho-alt (1) d'alt 139 den Acht um Pleanáil agus Forbairt, 2000, arna leasú, coinníollacha uimhir 20, 29 agus 32 A LEASÚ ionas go mbeidh siad mar a leanas ar na cúiseanna agus na cúinsí (1) atá leagtha amach thíos.

Mheas an Coimisiún, i gcomhréir le halt 48 den Acht um Pleanáil agus Forbairt, 2000, arna leasú, nár cuireadh téarmaí na Scéime Ranníocaí Forbartha don limistéar i bhfeidhm i gceart maidir le coinníoll uimhir 36,

bunaithe ar na cúiseanna agus na cúinsí atá leagtha amach thíos, agus
ordaíonn sé don Chomhairle sin coinníoll uimhir 36 agus an chúis agus
an chúinse (2) atá leis A BHAINT.

Cúiseanna agus Cúinsí (1)

20. Déanfar mionsonraí iomlána faoi gach comhartha seachtrach atá
beartaithe a chomhaontú i scríbhinn leis an údarás pleanála sula
dtosófar aon fhorbairt. I ndáil leis sin:
- (a) Beidh an teanga ar fad ar chomharthaí/ar fhógraí/ar ainmchláir atá
beartaithe i nGaeilge, nó dátheangach, agus ceannasacht ag an
nGaeilge.
 - (b) Déanfar na comharthaí/na fógraí/na hainmphiátaí uile atá
beartaithe a lasadh, i gcás gur gá, le soilsiú inmheánach statach
amháin agus ní chuirfear soilsiú eadrannach isteach.
 - (c) Ní dhéanfar comharthaí, siombailí, suaitheantais, ainmphiátaí ná
gléasanna fógraíochta eile a chur suas ná a chur ar taispeáint ar an
áitreabh ná in aice leis ach amháin le comhaontú roimh ré ón
údarás pleanála.

Cúis: Ar mhaithe le taitneamhacht amhairc agus chun Cuspóir Beartais
GA6 de Phlean Forbartha Chontae na Gaillimhe 2022-2028 a
chomhlíonadh.

29. (a) Ar feadh tréimhse 15 bliana, déanfar 80% ar a laghad de na
haonaid chónaithe a cheadaítear leis seo a theorannú dá n-úsáid
acu sin ar féidir leo a léiriú go bhfuil cumas acu teanga agus cultúr
na Gaeltachta a chaomhnú agus a chosaint.

- (b) Sula n-áiteofar an fhorbairt, déanfaidh an forbróir comhaontú alt 47 leis an údarás pleanála chun díol aonaid na coda comhaontaithe de na gnéithe cónaithe den fhorbairt a cheadaítear leis seo a theorannú dá n-úsáid ag áititheoirí a bhfuil inniúlacht/líofacht chuí acu i nGaeilge, ach amháin i gcás, tar éis tréimhse nach lú ná dhá bhliain ó dháta críochnaithe gach aonaid tithíochta shonraithe, go léireofar é chun sástacht scríofa an údaráis pleanála nach rabhthas in ann gach aonad tithíochta sonraithe a dhíol lena úsáid ag áititheoirí a bhfuil an inniúlacht/an líofacht is gá acu i nGaeilge.
- (c) Beidh an cinneadh ón údarás pleanála a cheanglaítear i mír (b) faoi réir fianaise dhoiciméadach shásúil a bheith faighte ag an údarás pleanála ón bhforbróir maidir le díol agus margú na n-aonad tithíochta sonraithe. Sa chás sin, deimhneoidh an t-údarás pleanála i scríbhinn don fhorbróir nó d'aon duine a bhfuil leas aige nó aici sa talamh gur foirceannadh an comhaontú a rinneadh faoi alt 47 agus gur comhlíonadh ceanglas an choinníll pleanála sin i leith gach aonaid tithíochta shonraithe.

Beidh an inniúlacht/an líofacht chuí i nGaeilge a cheanglófar chun comhlíonadh an chlásail áitíochta sin a léiriú cosúil leis sin a cheanglaítear chun B2 ar a laghad a bhaint amach ag Meánleibhéal 2 de scrúduithe Theastas Eorpach na Gaeilge, agus soláthróidh áititheoir amach anseo gach aonaid cónaithe is ábhar don chlásal áitíochta sin cruthúnas chuige sin don fhorbróir agus don údarás pleanála, trí aighneacht comhlíonta, á léiriú go bhfuair aosach ainmnithe a chónóidh san aonad faoi seach pas sa scrúdú sin nó i scrúdú Gaeilge ag leibhéal den chineál céanna, laistigh de chreat ama réasúnach ón aonad cónaithe faoi seach a cheannach/a áitiú.

Leis an gcoinníoll sin, ní dhéanfar aon difear do dhíol na teaghaise ag morgáistí a bhfuil an teaghais ina sheilbh nó ina seilbh aige nó aici ná d'áitiú na teaghaise ag aon duine a dhíorthóidh teideal ó dhíol den sórt sin.

Cúis: Chun a chinntiú go n-úsáidfear an t-aonad tithíochta/na haonaid tithíochta atá beartaithe chun freastal ar cheanglais Chuspóirí Beartais GA4 agus SSGV 4 de Phlean Forbartha Chontae na Gaillimhe 2022-2028 agus go mbeidh forbairt sa limistéar seo teoranta go cuí chun teanga agus cultúr na Gaeltachta a chaomhnú agus a chosaint ar mhaithe le pleanáil chuí agus forbairt inchothaithe an limistéir.

32. Cuirfear tograí le haghaidh ainm eastáit, le haghaidh scéim uimhriúcháin tithe agus le haghaidh comharthaí gaolmhara faoi bhráid an údarais pleanála, agus comhaontófar iad i scríbhinn leis, sula dtosófar an fhorbairt. Beidh an t-ainm/na hainmneacha atá beartaithe i nGaeilge. Ina dhiaidh sin, soláthrófar gach comhartha eastáit agus sráide agus gach uimhir thí i gcomhréir leis an scéim chomhaontaithe, mura gcomhaontaíonn an t-údarás pleanála i scríbhinn le scéim mhalartach. Ní dhéanfar aon fhógraí ná aon chomharthaí margaíochta a bhaineann le hainm nó ainmneacha na forbartha a chur suas go dtí go mbeidh comhaontú i scríbhinn faighte ag an bhforbróir ón údarás pleanála i leith an ainm bheartaithe nó na n-ainmneacha beartaithe.

Cúis: Chun Cuspóir Beartais GA 6 de Phlean Forbartha Chontae na Gaillimhe 2022-2028 a chomhlíonadh, chun a chinntiú go n-úsáidfear logainmneacha atá cuí go háitiúil le haghaidh limistéir chónaithe nua agus ar mhaithe le hinléiteacht uirbeach.

Cúis agus Cúinse (2)

Ag féachaint d'alt 48 den Acht um Pleanáil agus Forbairt 2000, arna leasú, do Scéim Ranníocaí Forbartha Chomhairle Contae na Gaillimhe 2016, arna hathbhreithniú sa bhliain 2019, agus don easpa fianaise tacaíochta chun údar a thabhairt leis an ranníocaíocht speisialta, meastar nár cuireadh an scéim ranníocaí forbartha don limistéar i bhfeidhm i gceart maidir le coinníoll uimhir 36 agus gur cheart an coinníoll sin a bhaint.

Appeal by Solus Holdings ULC care of Enviroplan Consultancy Limited of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway and by Cois Fharraige of Foram Chois Fharraige, Pleanail Teanga CTR, Inis Fail, An Spidéal, Contae na Gaillimhe against the decision made on the 8th day of April, 2025 by Galway County Council to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition and removal of existing two-storey (over basement) hotel building, single storey shed and associated site works. Construction of a mixed-use building (three-storey) to include ground floor commercial floorspace to the front (southern section) of building, with short-term letting reception office and enclosed bin storage. 10 number residential apartment units at rear (northern section) of building, comprising of five number one-bed apartments at ground floor level (Type A) and five number two-bed duplex (Type B) at first and second floor level. Eight number commercial short-term letting units at first and second floor level to the front (southern section) of building, comprising of six number two-bed duplex (Type C) and two number three-bed duplex (Type D). Provision of communal open space area with play area, private open space, public lighting, soft and hard landscaping and revised boundary treatments. Car parking, including dedicated EV charge spaces, ducting to all spaces for future electric charging points. Provision of revised vehicular entrance with pedestrian connection onto R336 Coast Road. Provision of single storey bike storage building and outdoor visitor bike spaces. Connection to public sewer, public watermain, public storm sewer and surface water drainage, together with all associated site works and services, including landscaping with natural play equipment, all at An Spidéal Thiar, Ceol Na Mara Hotel, Contae na Gaillimhe.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to AMEND condition numbers 20, 29 and 32 so that they shall be as follows for the reasons and considerations (1) set out below.

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 36 and directs the said Council to REMOVE condition number 36 and the reason and consideration (2) therefor.

Reasons and Considerations (1)

20. Full details of all proposed external signage shall be agreed in writing with the planning authority prior to commencement of any development.

In this regard:

- (a) All language on proposed signage/advertisements/nameplates shall be in Irish, or bilingual with the Irish language being dominant.
- (b) All proposed signage/advertisements/nameplates shall be lit, where required, by static internal illumination only and intermittent illumination shall not be installed.
- (c) Further signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed on or adjacent to the premises except with the prior agreement of the planning authority.

Reason: In the interest of visual amenity and to comply with Policy Objective GA6 of the Galway County Development Plan 2022-2028.

29. (a) A minimum of 80 % of the residential units hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.
- (b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer 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.

The appropriate competence/fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and

planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing/occupying the respective residential unit.

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.

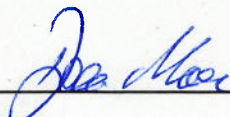
Reason: To ensure that the proposed housing unit(s) is/are used to meet the requirements of Policy Objectives GA4 and SSGV 4 of the Galway County Development Plan 2022-2028 and that development in this area is appropriately restricted to preserve and protect the language and culture of the Gaeltacht in the interest of the proper planning and sustainable development of the area.

32. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name(s) shall be in Irish. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative 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 order to comply with Policy Objective GA 6 of the Galway County Development Plan 2022-2028, to ensure the use of locally appropriate placenames for new residential areas and in the interest of urban legibility.

Reason and Consideration (2)

Having regard to Section 48 of the Planning and Development Act 2000, as amended, the Galway County Council Development Contribution Scheme 2016, as revised in 2019, and the lack of supporting evidence to justify the special contribution, it is considered that the development contribution scheme for the area has not been properly applied in respect of condition number 36 and that this condition should be removed.



Declan Moore

**Coimisinéir Pleanála den
Coimisiún Pleanála atá
údaráithe go cuí chun séala
an Coimisiún a
fhíordheimhniú**



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

Dátaithe ar an 3rd **lá seo de** mhí Mheán Fómhair 2025