



An
Coimisiún
Pleanála

Commission Order
ACP-322858-25

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 25/60361

Appeal by Breda Joyce care of Enviroplan Consulting Limited of Suite Three, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 28th day of May, 2025 by Galway County Council to grant subject to conditions permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Revisions and additions to the previously permitted residential development approved under planning register reference number 22/60184. Under planning register reference number 22/60184, permission was granted for the demolition of the existing single storey commercial building and the construction of four number two-storey townhouses with a consolidated new entrance onto Bridge Street. The proposed development will consist of the construction of five number additional residential units, comprising of four number two-storey three-bedroom terrace houses and one number two-storey two-bedroom terrace house on an enlarged site to the south-east (rear) of the four number permitted townhouses. Revisions to the previously permitted layout to include for alterations to shared surface access road/homezone, parking, communal open space, and riverside linear park on the enlarged site. Revised boundary treatments, public lighting, footpaths,

connection to public mains water supply and public sewerage, surface water drainage arrangements, together with all associated site development works and services, all at Deerpark, Headford, County Galway.

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 RETAIN condition number 2 for the reason set out, to REMOVE condition number 11 and the reason therefor, and AMEND condition number 12 so that it shall be as follows for the reason set out.

12. The standard of construction shall be in accordance with the provisions of the Department of the Environment and Local Government publication Recommendations for Site Development Works for Housing Areas (1998) and/or Galway County Council's Taking in Charge of Developments (September 2008) or any amended version of these documents, except as may otherwise be required in order to comply with condition number 6. Following completion, the proposed development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure an adequate standard of development.

Reasons and Considerations

In relation to condition number 2, it is considered that the imposition of this condition is warranted having regard to the rationale of the attachment of the condition, and to the quality and quantity of proposed open space. The Commission further considered that parking for people with disabilities and EV parking provision should be re-located accordingly.

In relation to condition number 11, and having regard to the provisions of the Building Control (Amendment) Regulations 2014 and the role of the assigned certifier within the said regulations and the associated Building Control Management System (BCMS), it is considered that the said condition does impinge on a separate regulatory code and might give rise to conflict. The role of the consulting engineer to supervise the development works appears to conflate with that of assigned certifier role under the Building Regulations code and may lead to undesirable duplication.

In relation to condition number 12, it is considered that the said condition is reasonable and necessary to ensure that the standard of construction carried out would be in accordance with Galway County Council's 'Taking in Charge of Developments' (September 2008) document which takes guidance from the technical specifications contained in the Recommendations for Site Development Works for Housing Areas (1998) document, and should be amended to provide clarity as to when the requirements of DMURS (provided for in condition number 6) may take precedence.

In disagreeing with the Inspector in relation to condition number 2, the Commission, in the first instance, noted that the Sustainable Residential Development in Urban Areas Guidelines 2009 have been superseded by the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). The Commission further noted Section 5.3.3

of the 2024 guidelines setting out considerations in relation to public open space. Consequently, it did not agree with the conclusion of the Inspector and considered that the encroachment of parking spaces number 8 to 14, a vehicle turning area, and a public amenity pathway adversely impacted the functionality of this open space to provide a suitable useable area for active and passive recreation. Noting a possible future extension to a Headford Circular River Walk with unknown implications for the future of the public open space in the proposed development, it was considered that this space did not achieve the optimum balance between a public realm within a residential development as distinct from a public park. The Commission therefore preferred the assessment of the planning authority that a condition be attached for the omission of one unit to ensure a quantum and quality of public open space similar to the approved under 22/60184 be provided on site.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *22nd* day of *October*, 2025.

