



Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 2561102

Appeal by Eamonn and Nora Gilmartin against the decision made on the 2nd day of October, 2025 by Galway County Council to grant subject to conditions a permission to Ronan Farrell in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house, detached garage, tertiary treatment system and infiltration/treatment area and all associated works at Killora, Craughwell, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the rural location and character of the site and surrounding area, together with the provisions of the Galway County Development Plan 2022-2028, including policy objective RH2 and DM Standards 6, 8, 9, 28 and 68, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the proposed development is acceptable, would not result in overlooking or seriously injure residential or visual amenity of the area and would not constitute a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Commission noted the planning authority's assessment that the site is not within a flood zone and that the Office for Public Works (OPW) CFRAM Flood Maps do not record the site as being subject to flooding, both findings acknowledged by the Inspector.

While the Commission accepts that localised ponding may have occurred in the past, it notes that the OPW's National Indicative Fluvial Mapping webpages specifically caution that 'The National Indicative Fluvial Maps are not the best achievable representation of flood extents and they are not as accurate as the Flood Maps produced under the National Catchment Flood Risk Assessment and Management (CFRAM) Programme.' The Commission relied on the statutory plans when considering its decision.

Conditions

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

Reason: In the interest of clarity.

2. The glazing to the east facing bathroom, en-suite, walk in wardrobe in the rear element of the building shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

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 house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and garage 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 high standard of development.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and be agreed in writing prior to the commencement of development.

Reason: In the interest of public health.

6. A parking space, the full frontage of the site and three metres wide shall be provided by the developer immediately adjoining the edge of the margin of the roadway. This space shall be surfaced and be to such levels as to prevent the discharge of surface water onto the roadway, to the satisfaction of the planning authority.

Reason: To provide adequate accommodation for parked and moving traffic and also in the interest of traffic safety.

7. (a) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required.

- (b) Any overhead lines and poles shall be set back in line with the new fence at the developer's expense before work commences on the development. No pole(s) shall be left in the lay-by or in the sight lines of the proposed development or any existing development where these poles might obstruct the view of the road of any existing road users and/or persons accessing the site.

Reason: In the interest of road safety.

8. Any new front boundary wall shall be of local unplastered natural stone and shall not exceed one metre in height or be of native hedgerow.

Reason: In the interest of visual amenity.

9. (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 13th day of August 2025 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

12. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the establishment of a hedgerow along all side and rear boundaries of the site, and the planting of trees as agreed with the planning authority. Any plants, trees or hedging 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

13. (a) The proposed garage shall be for private use only by the resident(s) of the existing dwelling house on site. It shall be ancillary to the existing dwelling house on site, and it shall not be open to visiting members of the public.
- (b) The proposed garage shall not be utilised independently of the main dwelling house on site, either by way of sale, letting or otherwise.
- (c) The proposed garage shall not be used for habitable or commercial purposes or any other purpose other than those incidental to the enjoyment of the dwelling house.

Reason: In the interest of proper planning and sustainable development of the area and residential amenity.

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 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.



Declan Moore

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

Dated this *24th* day of *FEBRUARY* 2026.