

An
Coimisiún
Pleanála

Commission Order
PL-500308-GY

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 25/60988

Appeal by James and Margaret Connell against the decision made on the 6th day of November, 2025 by Galway County Council to grant subject to conditions a permission to Keith Donellan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse, septic tank, percolation area and all associated site works, all at Coolpark, Bermingham, Tuam, 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 site within Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure), as defined in the Galway County Development Plan 2022-2028, the provisions of Policy Objective RH2 1(e) of the development plan which facilitates applicants wishing to build their first home as their permanent residence on lands that have been in family ownership for a period of 20 years or more, the established rural links of the applicant with the area, and the nature and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not pose a risk to traffic safety, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 14th day of October, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed development, when completed, shall first be 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, as amended, 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 need 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.

3. (a) All external finishes shall have a nap paster and/or local natural stone. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The roof covering shall consist of blue/black slates or tiles.
- (c) White uPVC shall not be used for windows, external doors or rainwater goods.

- (d) Stonework to any external wall shall be constructed of natural stone which shall be sourced locally.
- (e) The finished floor level shall be as shown on the submitted drawings.

Reason: In the interest of visual amenity.

- 4. The proposed vehicular entrance shall be located as shown on the site layout plan submitted to the planning authority and constructed in accordance with details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any new front boundary shall be of local natural stone or native hedgerow species and shall not exceed one metre in height.

Reason: In the interest of traffic safety and visual amenity.

- 5. 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 and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.

Reason: In the interest of public health.

- 6. The attic space shall be used for storage purposes only.

Reason: In the interest of residential amenity.

- 7. All windows serving en-suite bathroom shall be fitted and permanently maintained with opaque glass.

Reason: In the interest of privacy.

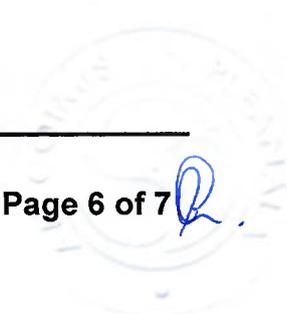
8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single House (p.e. <10) Environmental Protection Agency 2009. No system other than the type proposed shall be installed, unless otherwise agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been installed properly shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and, thereafter, shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of installation.
- (d) Surface water soakaways shall be located such that drainage from the dwellinghouse and paved areas shall be diverted away from the location of the polishing filter. A land drain shall be constructed along the northern boundary of the site discharging to the drain along the western site boundary to prevent the ingress of surface water into the polishing filter.

- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

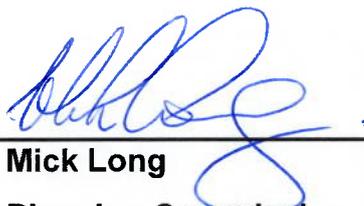
9. Details of the boundary treatment, including with the adjoining dwelling to the north-west, which shall consist of a natural stone wall or fence not exceeding one metre in height, which shall be back planted with indigenous hedging species, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 the residential and the visual amenities of the area.



10. 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 the 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.



Mick Long

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

Dated this 27th day of February 2026.

