

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 2660018

Appeal by Sean Hehir against the decision made on the 28th day of April 2026, by Galway County Council to grant, subject to conditions, a permission to Colin Treacy and Eimer Garvey in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Construction of a private dwelling house, domestic garage, a proprietary effluent treatment system, and ancillary site development work at Liss, Abbeyknockmoy, 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 nature, scale and location of the proposed development, in conjunction with the contents of the planning application and further information submitted, the provisions of the Galway County Development Plan 2022-2028 and the EU Habitats and Birds Directive, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and 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 permission, the Commission had regard to the pattern and nature of development in the area, the wording of development plan DM Standard 47 that states where feasible existing field patterns and associated stone walls, trees, and hedgerows shall be retained and incorporated into new development layouts, and the fact that the applicant complies with the development plan's rural housing need requirements, the Commission concurred with the planning authority that, subject to the nature of the proposed front boundary being conditioned, that the proposed development accords with the Galway County Development Plan 2022-2028.

Conditions

1. The 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 1st day of April 2026, 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. (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.

3. Details of the materials, colours and textures of all the external finishes to the proposed structures 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.

4. (a) All 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.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

5. Prior to the commencement of development the developer shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

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

6. (a) The 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 10th day of January, 2026 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent $\leq$ 10) " – Environmental Protection Agency, 2021.
- (b) Treated effluent from the 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 Wastewater 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 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.

- 7. (a) The proposed front boundary shall consist of sod and stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Sight distance triangles shall be maintained and kept free from vegetation or other obstructions that would reduce the minimum visibility required. Works to roadside boundaries to provide for the unobstructed sight distance triangles shall be completed prior to occupation of the dwelling house.
- (c) 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.

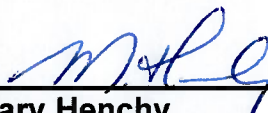
Reason: In the interest of road safety.

8. (a) Site perimeter planting consisting of tree and shrub species native to the area shall be carried out in the first planting season following commencement of development on site. All planting shall be adequately protected from damage until established. Any failures within the first five years shall be replaced within the next planting season with others of similar size and species.
- (b) Landscaping shall include thorough screen planting of the site through the planting of mixed trees and plant species indigenous to the area concerned, and densely planted hedging of native species.
- (c) Any in-situ stonewalls, hedgerow and/or trees bounding the site shall be retained, except for the provision of the site entrance works/sight distance triangles.

Reason: In the interest of visual amenity.

9. 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.



Mary Henchy

Planning Commissioner of An Coimisiún

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

Dated this *22nd* day of *September* 2026.

