



An
Bord
Pleanála

Inspector's Report

ABP-312612-22

Development	Construction of 3 two storey houses with sewerage connection to treatment plant
Location	Slí Uí Mhaoiliosa, Ballymore, Craughwell, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	212067
Applicant	Laurem Construction
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Laurem Construction
Observer(s)	None
Date of Site Inspection	3 rd August 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0784 ha and is located to the north-east of 'Slí Uí Mhaoilíosa, a recently constructed residential development, situated c. 600 metres from the centre of Craughwell, Co. Galway.
- 1.2. The appeal site is relatively flat, is bound by a security fence and surfaced with compacted hardcore. A number of houses back onto the appeal site. There is a vacant plot to the immediate west of the appeal site. A turning area is located to the immediate north of the appeal site. The adjoining lands to the east are undeveloped.
- 1.3. The wider Slí Uí Mhaoilíosa development is indicated as being within the applicant's control/ownership, as depicted by the blue line boundary. Slí Uí Mhaoilíosa is served by a private waste water treatment plant, which is located to the north-east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - 3 no. houses (i.e. arranged in a single staggered terrace). Material finishes to the proposed houses comprise nap render for the external walls and concrete roof tile or slate for the roof. The proposed houses have pitched roofs with ridge heights of c. 8.2 metres.
 - Each dwelling is served by 2 no. car parking spaces.
 - Connection to an existing treatment plant located to the north-east of Slí Uí Mhaoilíosa.
- 2.2. The planning application was accompanied by a Stage 1/2 Road Safety Audit. The Road Safety Audit makes 4 no. recommendations, specifically that the western boundary treatment of the site is amended to address pedestrian-vehicular intervisibility; increase lighting to the south of the turning head; provide parking restrictions within the turning head; and, provide adequate kerb heights and ensure appropriate tie-ins between the existing and proposed road and footpath networks.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 6th January 2022 for 2 no. reasons which can be summarised as follows;

1. The Planning Authority are not satisfied that wastewater arising from the development can be satisfactorily disposed of. It is considered that the proposed development would therefore be prejudicial to public health, and taking account of the wastewater disposal concerns, likely significant effects on Rahasane Turlough SAC and Rahasane Turlough SPA cannot be ruled out. The proposed development would materially contravene Objective NHB1, DS 6, DS 12 and WW5 of the Galway County Development Plan 2015-2021.
2. The layout and density of the proposed development are substandard and do not satisfactorily relate to the site context. The proposal fails to provide a context sensitive design solution in order to facilitate appropriate assimilation and the preservation of residential amenity. The proposed development would be contrary to the Objectives UHO 7 and UHO8 of the Galway County Development Plan 2015-2021.

I note that Reason No. 1 of the Notification of Decision to Refuse Permission issued by the Planning Authority makes reference to material contravention of the Galway County Development Plan 2015 - 2021. The Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan. As such, I do not therefore consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- The proposal constitutes overdevelopment of the site. The density of the proposal at 38 dpha is considered excessive at a peripheral location within a Tier V settlement.

- The proposal does not adequately relate to the site context, does not provide a context sensitive design solution, or assimilate into the wider area.
- The proposal does not meet the required separation distance of 2 metres between the side of dwellings.
- The rear garden of the mid-terrace unit appears confined.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Environment Section: Experience to date is that private wastewater treatment systems for housing estates are rarely adequately maintained, and that there are legal issues which arise in relation to the enforcement of discharge licence conditions. It has been council policy for several years not to permit private wastewater treatment plants for housing estates, even where it is a discharge to an existing wastewater treatment plant, which is in line with national policy in this area. The report notes that whilst the treatment plant is installed and being maintained by the developer, it is usually after the developer is no longer involved that issues arise. The report states that there were issues in relation to the maintenance of the wastewater treatment plant serving the initial phase of the development in this area. Further information is required in relation to discharge volume, maintenance proposals for the treatment plant, and details of the management company. The Environment Section recommend that permission be refused for the proposed development.

Roads and Transportation: No objection to the proposed development subject to the attachment of a condition regarding the maintenance of the local road network during construction.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two observations were received by the Planning Authority. The observations raised concerns in relation to traffic impact arising from the proposed development, the

adequacy of traffic safety measures within the estate in general, and the adequacy of car parking within the estate for existing residents.

4.0 Planning History

Appeal Site/Part thereof:

PA. Ref. 21/488 – Permission REFUSED for 3 no. houses with sewage connection to treatment plant approved under PA. Ref 05/2217.

Reasons for refusal relate to car parking and pedestrian connectivity considerations, inadequacy of proposal to treat waste water and consequent potential for impact on European sites, and layout and design considerations.

PA. Ref. 19/1867 – Permission REFUSED for a two storey building accommodating a creche and 3 no. apartments, and 3 no. houses, with sewerage connection to existing treatment plant.

Reasons for refusal relate to car parking considerations, inadequacy of proposal to treat waste water and consequent potential for impact on European sites, and layout and design considerations.

The wider ‘Slí Uí Mhaoilíosa’ development:

PA. Ref. 07/4386 – Outline permission GRANTED for a creche. Permission Granted for 20 no. houses with sewerage connection to existing proprietary treatment plant. This permission was granted an extension of duration under PA. Ref. 13/10 for a period of 5 no. years and also under PA. Ref. 18/223 until December 2021.

PA. Ref. 06/5705 – Permission GRANTED for 30 no. houses and an increased in the capacity of proprietary effluent treatment plant and percolation area previously approved under plan PA. Ref. 05/2217. This permission was granted an extension of duration under PA. Ref. 12/1041 for a period of 5 no. years and also under PA. Ref. 17/1642 until December 2021.

PA. Ref. 06/2172 – Permission GRANTED for 16 no. houses with sewerage connection to existing proprietary treatment plant. This permission was granted an extension of duration under PA. Ref. 11/1652 for a period of 5 no. years.

PA. Ref. 05/2217 - Permission GRANTED for 16 no. houses (reduced from 36 no. houses) and a proprietary effluent treatment plant and percolation area. This permission was granted an extension of duration under PA. Ref. 11/364 for a period of 5 no. years.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework 'Project Ireland 2040'

- National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

5.1.2. Ministerial Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- Urban Design Manual - A Best Practice Guide (2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).

5.2. Development Plan

5.2.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

5.2.2. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Objective SS7: Development of Rural Settlements and Rural Nodes (Level 7)
- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- Objective WW 6: Private Wastewater Treatment Plants

5.2.3. The appeal site is located within an 'Central Galway Complex Landscape' (see Map 1) for the purpose of landscape type, which is described as having a 'low' sensitivity to change.

5.2.4. The appeal site is located within the Galway County Transportation and Planning Study Area (GCTPS).

5.3. **Natural Heritage Designations**

- Rahasane Turlough SPA (Site Code: 004089), c. 1.4 km west.
- Rahasane Turlough pNHA (Site Code: 000322), c 1.4 km west.
- Rahasane Turlough SAC (Site Code: 000322), c. 1.4 km west.

5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised under the following headings as follows;

Compliance with National and Regional Policy, and Ministerial Guidance:

- The proposed development accords with the National Planning Framework, specifically in relation to compact growth, infill development and design quality; the Regional Spatial and Economic Strategy (RSES) for the Northern and Western Regional Assembly in relation to housing supply, and the Sustainable Residential Development in Urban Areas, in relation to density, and development in smaller towns and villages.

Refusal Reason 1 (Waste Water)

- The Planning Authority have based their decision in relation to the adequacy of waste water disposal on an unwritten policy. The Development Plan however allows for residential development to connect to waste water treatment plants.
- The Planning Authority have not raised any specific concerns in relation to the operation of the treatment plant serving the existing estate. The existing treatment plant is designed and built in accordance with the EPA Treatment Manuals and has been permitted and established on the site.
- The principle of residential units connecting to the treatment plant was accepted by An Bord Pleanála under ABP Ref. PL.244967 (permission for 4 no. houses), and the issue was not raised as a concern under ABP. Ref. PL.303947-19, under which permission was granted for 2 no. dwellings within the estate.
- Both An Bord Pleanála and the Planning Authority accepted the principle of multiple units connecting to a shared treatment system under PA. Ref. 19/625/ABP Ref. 304893-19 at Killora, Craughwell.
- In response to the comment of the Environment Section in relation to further information which is deemed to be required, a letter from an Engineer has been submitted with the appeal submission detailing that there is ample capacity in the treatment plant and in the current discharge licence to cater for the proposal. This letter also notes that the treatment plant is operating in accordance with the discharge licence. Details of the treatment plant have also been submitted with the appeal.
- The treatment plant has a capacity of 360 PE. The discharge licence allows for a discharge capacity of up to 350 PE. The existing plant serves 87 no. dwellings (51 in Slí Ui Mhaoiliosa and 36 at Ballymore Lane), equating to 259 PE. The

proposed development generates 9PE, therefore if permitted the proposal would result in 268 PE, with a spare capacity of 82 PE remaining with the treatment plant.

- There is an active waste water service and maintenance agreement in place to service the plant 3 time per year. This maintenance agreement includes the taking of samples during servicing.
- A letter has been included from the Service Manager stating that the treatment plant is operating satisfactorily. A groundsman is employed to conduct weekly inspections of the treatment plant.
- Details of the management company structure and responsibilities for the ongoing upkeep of the treatment plant have been provided.

Impact on European Sites

- The treatment plant has adequate capacity to cater for the proposal and regular servicing and maintenance is in place. There is no hydraulic link between the appeal site and any Natura 2000 site. It is therefore reasonable to conclude that the risk of adverse impact on Natura 2000 sites can be ruled out. No such concerns were raised by An Bord Pleanála in determining the other appeals in the area. An Appropriate Assessment Screening report has been submitted with the appeal submission.

Urban Design/Placemaking

- The design of the proposal is considered to be entirely appropriate by the first party. A two storey terrace block is in keeping with the two storey character of the Slí Uí Mhaoilíosa. Furthermore, there are no heritage constraints on the appeal site. It is unclear what specific parts of the Guidelines referred to in the second refusal reason the Planning Authority have concerns in respect of. Under ABP. Ref. PL07.244967, where An Bord Pleanála permitted 4 no. dwellings, the Inspector considered the Planning Authorities assertion that the proposal was substandard from an urban design perspective to be ambiguous. An Bord Pleanála did not raise any concerns of this nature under ABP. Ref. 303947-19, which related to permission for 2 no. dwellings in Slí Uí Mhaoilíosa.

Residential Standards

- Regarding separation distances to side boundaries, the first party contend that reference to a 2 metre distance in the Development Plan is a general requirement as opposed to an absolute requirement. The first party note that the side boundary of Unit No. 3 exceeds the 2 metre requirement; that there are no ground floor windows proposed along the side boundary of Unit No. 1; that the side boundary wall of Unit No. 1 will consist of a 2 metre high block wall; that the adjoining site to the west is likely to developed as a creche; and that the distance of 1 metre along Unit No. 1 is sufficient to facilitate access the rear garden.
- There are no minimum private amenity space requirements in the Development Plan. The only relevant guidance is provided by the Residential Density: Guidelines for Planning Authorities (DoELG 1999) which provides for a 60-75 sqm garden area for 3/4/5 bedroom houses. The proposed units have rear gardens areas of 105 sqm, 80 sqm and 60 sqm. Under ABP. Ref. PL07.244967, where An Bord Pleanala permitted 4 no. dwellings, a similar quantum of private open space was provided.

Density

- Regarding density, the proposal is an infill scheme and contributes to the consolidation and completion of the existing estate. The wider estate comprises 51 no. dwellings on a site with an area of 2.475 ha, a resultant density of 20.6 dpha. 3 no. additional dwellings increases the density of the estate to 21.82 dpha. The first party contend that this is an appropriate density, noting the proximity of the appeal site to Craughwell Train Station. An Bord Pleanala, in determining ABP. Ref. PL07.244967, considered proximity to the railway station in the decision to permit 4 no. dwellings to the west of the appeal site.

Revised Layout

- A revised layout has been proposed for consideration by An Bord Pleanala, the changes are minor and do not affect third parties or residential amenities. The amendments include, the building line pulled northwards towards the road edge to create a better sense of urban enclosure and an increase in the quantum of private open space for the dwellings (103 sqm, 101 sqm and 99 sqm). The

terrace block is no longer staggered in this arrangement. Also car parking and part of the footpath is located outside the red line boundary, but is within the blue line boundary; and the removal of a turning head on the southern side of the cul-de-sac, which is more consistent with DMURS.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of Appeal
- Principle of Development
- Refusal Reason 1
- Refusal Reason 2
- Issues Arising
- Appropriate Assessment

7.2. **Scope of Appeal**

7.2.1 The first party has submitted a revised proposal for consideration by the Board. The amendments include, repositioning the building line northwards, thereby omitting the staggered building form; an increase in the quantum of private open space for the dwellings, and the removal of a turning head on the southern side of the cul-de-sac. I note that the proposal would entail part of the proposed development being located outside the red line boundary, specifically car parking and a section of footpath. The

first party acknowledges this, noting that the area concerned is within the blue line boundary of the site. In my opinion, the proposed development in its entirety is required to be located within the red line boundary, and as such I do not recommend that the revised layout as proposed by the first party is considered by the Board. My assessment has considered the proposal as submitted to the Planning Authority on the 5th November 2021.

7.3. Principle of Development

7.3.1. The appeal site is not subject to any specific land use zoning in the Galway County Development Plan 2022 – 2028. Craughwell is a Level 7 settlement in the Core Strategy of the Galway County Development Plan 2022 – 2028. Objective SS7 of the Galway County Development Plan 2022 – 2028 provides that ‘in the case of smaller settlements for which no specific plans are available, development shall be considered on the basis of its connectivity, capacity (including social, cultural, and economic, infrastructural and environmental capacity) and compliance with the Core Strategy and Settlement Hierarchy, good design, community gain and proper planning and sustainable development’. The appeal site is located within an existing residential development, Slí Uí Mhaoilíosa, within the settlement boundary of Craughwell. The appeal site is located proximate to the centre of Craughwell, and is located c. 1 km from Craughwell Train Station. I therefore consider the principle of the proposed development to be acceptable.

7.4. Refusal Reason 1

7.4.1. The first refusal reason relates to the waste water treatment proposals for the proposed development. The report from the Environment Section, which forms the basis of the first refusal reason, refers to the Planning Authority’s experience of private wastewater treatment systems serving housing estates not being adequately maintained and legal issues regarding the enforcement of discharge licence conditions. The report of the Environment Section acknowledges that the existing treatment plant is being maintained by the developer, but also refers to previous issues in relation to the maintenance of the plant during the initial phase of the development in this area. No further elaboration has been provided in relation to these maintenance

issues however. The report of the Environment Section refers to a policy of not permitting private waste water treatment plants to serve housing developments, even in situations where the proposal entails discharging effluent to an existing treatment plant, which it is contended is in line with National policy. The Planning Authority do not elaborate on the specific policy to which reference is made, nor is any National policy referenced in the report of the Planning Authority. In contrast to the stated position of the Planning Authority, I note that Objective WW6 of the recently adopted Galway County Development Plan 2022 – 2028 provides for the use of such private waste water treatment plants, subject to their operation in compliance with relevant EPA Code of Practice. I also note that the principle of a private waste water treatment plant serving Slí Ui Mhaoiliosa and Ballymore Lane was accepted by the Planning Authority under PA. Ref. 05/2217, and under PA. Ref. 06/5705, where the Planning Authority permitted an increase in the capacity of this treatment plant, which is located to the north-east of the appeal site. Having regard to the planning history associated with the wider development, and to the recently adopted Development Plan, which provides for the provision of such plants to serve residential developments, I consider the principle of the proposed development being served by a private waste water treatment plant to be acceptable.

- 7.4.2. Regarding the capacity of the existing waste water treatment plant to cater for the proposed development, I note that the appeal submission submitted by the first party states that the treatment plant has a capacity of 360 PE, with the discharge licence allowing for a discharge capacity of up to 350 PE. The existing plant serves 87 no. dwellings (51 in Slí Ui Mhaoiliosa and 36 at Ballymore Lane), equating to 259 PE. The proposed development generates 9PE and therefore if permitted the proposal would result in 268 PE, and a spare capacity of 82 PE remaining within the treatment plant. In relation to maintenance, the first party has submitted details of a maintenance agreement, which includes the servicing of the plant 3 time per year, details of the management company who maintain the plant, and a letter from the Service Manager stating that the treatment plant is operating satisfactorily. Based on the information submitted, I am satisfied that the existing waste water treatment plant has adequate capacity to cater for the proposed development, and that adequate measures are in place in relation to the maintenance of the plant. Furthermore, I note that the EPA are the responsible body for licencing of such facilities.

7.5. Refusal Reason 2

- 7.5.1. The second refusal reason cited by the Planning Authority relates to the design of the proposed development, specifically its failure to assimilate with the wider area, provide a context sensitive design solution, and that the density of the proposed development is excessive.
- 7.5.2. Regarding design considerations, I note that the report of the Planning Officer does not elaborate on which particular elements of the proposed development are not considered to adequately assimilate with the adjoining area. The main difference between the proposed development and the existing urban form within Slí Uí Mhaoilíosa is the staggered nature of the block. I consider that this design approach responds to the constraints of the appeal site, notably its shape and relationship to adjacent properties. Noting the location of the appeal site within Slí Uí Mhaoilíosa, I do not consider that this would have a negative impact on the character of the area. Slí Uí Mhaoilíosa is comprised of two storey semi-detached and terraced dwellings and the proposal consists of a two storey terraced block, as such I consider that the proposed building typology would provide for an adequate level of integration with the adjacent area in terms of building form. I also consider that the architectural style and material finishes replicate those prevalent within Slí Uí Mhaoilíosa. In terms of physical integration, the proposal provides for an acceptable level of integration into the existing footpath and road network within Slí Uí Mhaoilíosa. I do not consider that the proposal development would warrant a refusal of permission based on its design or layout.
- 7.5.3. The Planning Authority considered that the proposal constitutes overdevelopment of the site with reference to the density of the proposal at 38 dpha, which it considers to be excessive at a peripheral location. I note that the Planning Authority have based this density calculation on the site area of the appeal site, however I agree with the first party in their contention that it is more relevant in this instance to consider the proposal in the context of the wider Slí Uí Mhaoilíosa development. When this approach is taken the proposal would increase the density within the wider Slí Uí Mhaoilíosa development from c. 21 dpha to c. 22 dpha. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) provides a density range of 15-20 dpha for 'edge of small town/village' locations in 'small towns

and villages' with population ranges between 400 – 5,000. Whilst the proposal would be above this stated density range, noting the marginal level of exceedance, the proximity of the appeal site to Craughwell Train Station, and the centre of Craughwell, I consider that the proposed development is generally consistent with the Guidelines in respect of density.

7.6. Issues Arising

- 7.6.1. As the proposed development forms part of a wider development, which is located within the blue line boundary of the appeal site, in the event that the Board grant permission for the proposed development a condition in respect of compliance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended should be attached.
- 7.6.2. The report of the Planning Officer refers to the adequacy of the separation distance between the proposed dwellings and the side boundaries of the site. Separation distances to the east and west site boundaries are indicated as c. 2 metres and c. 1 metre respectively. I note that DM Standard 2, as it relates to 'additional standards for residential development side boundaries' is prefaced with the words 'in general', as and such affords a degree of latitude in determining proposals. DM Standard 2 provides that 'in general, it is desirable that all new houses have a minimum clear distance of 2 metres to the side boundaries of the site'. Given that the westernmost dwelling does not have ground floor windows on the side/western elevation, the undeveloped nature of the lands to the west, and the proposed boundary treatment at this location, consisting of a 2 metre high block wall, I consider the proposal to be acceptable in the context of DM Standard 2, specifically separation distances to between side walls of dwellings and site boundaries.
- 7.6.3. The report of the Planning Officer refers to the adequacy of the area of the rear gardens to serve the proposed dwellings. I note that the Galway County Development Plan 2022 – 2028 does not have specific quantitative requirements in relation to private amenity space serving dwellings. The first party contend that the only relevant guidance is provided by the Residential Density: Guidelines for Planning Authorities (DoELG 1999), which requires a 60 - 75 sqm garden area for 3/4/5 bedroom houses. The first party notes that the proposed units are provided for with rear gardens of 105

sqm, 80 sqm and 60 sqm. Having regard to the south facing orientation of the gardens serving the proposed dwellings, and to the area of garden provided to each dwelling, I consider the quantum of private open space serving the proposed dwellings to be acceptable.

7.7 Appropriate Assessment

7.7.1. The first party has submitted an Appropriate Assessment Screening report with the appeal (dated January 2022) prepared by Planning Consultancy Services. The applicant's Stage 1 Appropriate Assessment Screening report concluded that *'no significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, alone or in combination with other plans or projects in the area'*.

7.7.2. The closest European sites to the appeal site are Rahasane Turlough SAC (Site Code: 000322) and Rahasane Turlough SPA (Site Code 004089), which are located c. 1.4 km from the appeal site. Having regard to;

- The nature of the proposed development;
- The location of the appeal site within an existing residential development, located within the confines of a settlement;
- The use of a private waste water treatment plant to treat effluent from the proposal, which is demonstrated to have adequate capacity to cater for the proposal;
- The separation distance between the appeal site and the private treatment plant to Rahasane Turlough SAC and Rahasane Turlough SPA; and,
- The absence of any direct hydrological or other pathway between the appeal site and the private treatment plant to Rahasane Turlough SAC and Rahasane Turlough SPA, and any other European sites;

I consider that the project individually or in combination with other plans or projects would not be likely to have significant effects on Rahasane Turlough SAC or Rahasane Turlough SPA in view of the sites' Conservation Objectives, or on any other European sites, and Appropriate Assessment is therefore not required. No

measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

8.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) The use of a private waste water treatment plant to treat effluent from the proposal, which is demonstrated to have adequate capacity to cater for the proposal,
- (c) The pattern of development in the area,
- (d) The provisions of the Galway County Development Plan 2022-2028,

it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out 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 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.
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2.	<p>The external finishes to the proposed development shall be as indicated on Drawing No. 165.PL106, unless otherwise agreed with the Planning Authority prior to commencement of development. Render/plaster finishes shall be neutral in colour.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The internal road network serving the proposed development including parking areas, footpaths, kerbs and lighting shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
6.	<p>Proposals for naming and numbering of the proposed 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 based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. 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).</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p>

	<p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
10.	<p>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</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Ian Campbell
Planning Inspector

14th October 2022