



An
Bord
Pleanála

Inspector's Report ABP-319813-24

Development	Construction of 4 no. houses and associated ancillary site works.
Location	Coill Bhruachláin, Kylebroughlan, Moycullen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	23466
Applicant(s)	Solemia Unlimited Company
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third
Appellant(s)	Una and Noel Gillespie
Observer(s)	None
Date of Site Inspection	23 rd of November 2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The site is located within the existing Bun na Coille Estate in the townland of Kylebroughlan in the outskirts of Moycullen. The estate is largely finished with the proposed site in the centre of the estate with fencing surrounding the site. The roadway outside the site has been completed. The estate when complete will consist of 60 houses and is connected by road and footpath with Bothar an tSleibhe to the North of the site.
- 1.2. To the south of the site are greenfield agricultural lands with low density residential rural dwellings. To the north and east is existing residential development. The Bun na Coille Estate is accessed off local road L1320 to the north of the site. The estate is nearing completion with large element of the existing estate fully landscaped, with public lighting, tarred finish and public footpaths. Site Area is stated at .1058ha.

2.0 Proposed Development

- 2.1. The proposal is for the completion of four dwelling houses. The layout, house design location and boundaries are as per grant of planning permission 21/2071.

3.0 Planning Authority Decision

- 3.1. **The planning authority issued a decision to grant permission subject to 27 conditions. The conditions of note include:**

C3- This permission is for 4 no. semi-detached house as indicated under the public notices only and in all other respects the development shall be executed in accordance with Planning Reference numbers PI. Ref. 21/2071 and PI. Ref. 06/5813. The proposed development shall comply with the terms and conditions of PI. Ref. 21/2071 and PI. Ref. 06/5813 which govern the overall development of the site, save where amended by the plans and particulars submitted with this application on 23rd November 2023 and 5th April 2024 and the conditions hereunder.

C4 - (i) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) and Traffic Management Procedures as received by the

Planning Authority on the 5th April 2024. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final CEMP. (ii) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the Planning Authority upon request.

C7 - The public lighting, roads, footpaths, services and open space shall be constructed in accordance with the requirements outlined in Galway County Councils Taking in Charge of Developments (September 2008 or any superseding condition) or any amended version of this document, available from Galway County Council, Planning Department. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning Authority.

C11 - (a) Boundary treatment and landscaping shall be as per the plans and particulars received by the Planning Authority on the 23rd November 2023, and as amended by the plans and particulars received by the Planning Authority on the 5th April 2024.

(b) Planting shall comprise of native tree/plant species only.

(c) All boundary treatments facing public areas shall be constructed using natural, limestone only.

C18 -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 Councils Taking in Charge of Developments (September 2008) or any amended version of these documents. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

C20 - (i) Prior to the first occupation of the development the developer shall provide the Planning Authority a certificate stating that the development has been completed to such an extent as to render it capable of being taken in charge together with a complete set of as constructed drawings plus geo-referenced, as constructed, digital layout drawings (AutoCAD or similar) of the development which shall contain the

exact location of all structures, footpaths, lamp standards, watermains, foul and surface water sewers, stopcocks, valves, hydrants, covers and frames SCHEDULE REFERRED TO - PLANNING REFERENCE NO. 23/466 6 (including description), pipe networks, gullies, street furniture, boundary details, etc for confirmed written agreement.

(ii) The overall maintenance and upkeep of the estate (including public areas) shall be the responsibility the developer until such time as the estate has been taken in charge by the County Council.

C25 - A minimum of 20% of the houses hereby permitted shall be restricted to use as a house by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the Planning Authority, for a period of 15 years. The developer shall comply with the Linguistic Impact Statement as received by the Planning Authority on the 5th April 2024. Prior to commencement of development, the developer shall enter into a legal agreement with the Planning Authority (under the provisions of section 47 of the Planning & Development Act, 2000 as amended), the purposes of which shall be to restrict or regulate a portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence or fluency in Irish.

Within three months of commencement of development, the developer shall enter into a legal agreement with the Planning Authority under the provisions of section 47 of the Planning and Development Act, 2000, as amended, the purposes of which shall be to give effect to the above restrictions. No house shall be occupied until an agreement has been entered into with the Planning Authority pursuant to section 47 of the Planning and Development Act, 2000, as amended.

C26 – Bond €50,000

C27 – Financial Contribution - €12,028.00

3.2. Planning Authority Reports

3.2.1. There are two planning reports on file. The first Planning Report noted and sought information for the following:

- The subject site is zoned 'Residential Existing' in the Moycullen Settlement Plan as outlined in Volume 2 of the Galway County Development Plan 2022-2028. The principle of the proposed development at its location is considered acceptable. The subject proposal accords with the zoning on the site. 4 no. units have previously been granted permission at the location.
- The submitted proposal for the 4 no. semi-detached units are 'House Type 3A' as permitted under Pl. Ref. 21/2071 and are indicated as 'House Type 3A' in the details received. The proposed development is considered in keeping with the existing residential development.
- Concerns have been raised in a third-party submission received in relation to outstanding landscaping and public open space concerns in the wider Bun na Coille estate. It is indicated in the third-party submission received that the open space provision is subject to swamping. In terms of private open space, the 4 no. units generally meet the minimum requirements with three rear gardens providing an excess of the minimum of 11m depth which is in line with acceptable standards and one unit (Unit 42) is generally in line with the standard.

Further information sought for the following:

- The applicant is requested to provide a detailed schedule of the outstanding site resolution matters that have not been completed and confirm a reasonable timeframe for their completion for further consideration of the Planning Authority (which include matters in relation to foul sewer, walls, kerbs, landscaping, road works and any other matter requiring resolution). The applicant is also advised to consult with the Taking in Charge Section of Galway County Council
- The applicant to provide details for the management of the site.

- The applicant to indicate how the development is to be managed until taken in charge by the council
- Construction and Traffic Management Plan to be provided
- Details of rear boundary retaining wall to be provided
- Details of Part V agreement
- The applicant to submit a Linguistic Impact Statement for the development

Upon receipt of the further information and assessment of same the Planning Authority considered the proposal was acceptable to the sustainable development of the area and to finish the development subject to conditions was appropriate.

3.2.2. Other Technical Reports

- Transportation and Infrastructure Department - The footpath infrastructure is located outside of the site boundary but within lands identified as being within the control of the applicant. In order to provide for the dropped kerbs required to facilitate access to each of the proposed units the applicant shall submit details in this regard.
- Conradh na Gaeilge - In summary this observation makes recommendations in relation to a Linguistic Impact Statement for each proposed unit. Also, that there should be a condition that the units are only sold to native Irish speakers, with a condition that a minimum clause of 15 years applies, and that there would be a restriction on long term leasing of the units (not more than 3 months in any given year) except to native Irish speakers.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

A single third-party observation has been received. In summary, this detailed observation has very serious concerns in relation to public open space in the Bun na Coille estate, inadequacies with the current road and footpath infrastructure posing

as safety risks, parking concerns, debris on roadway from construction vehicles, unauthorised mechanical rock breaking and associated noise and vibration and structural foundation concerns, concerns that the retaining wall to the rear of the proposed units has not been indicated correctly on plans received, privacy and overlooking, poor boundary fencing between Coill Ard and Bun na Coille estates, estate management concerns, odours from manholes, lack of refuse storage indicated for proposed development, roadway and lighting should be maintained in good condition and damage from heavy machinery or otherwise should be repaired immediately.

4.0 Planning History

- PA reg ref 21/1851 - extension of duration for full permission granted to Solemia Unlimited Company for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spidal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 & 12/1112 (Gross floor area 15,507 sqm).
- PA reg ref 21/2071 – permission granted to Solemia Unlimited Company for the development which will consist of change of house type on previously approved residential scheme (planning ref: 06/5813) on 67 sites (numbers 34 to 67 inclusive and 81 to 113 inclusive). They will change from 18 number 3 storey 4-bed semidetached, 34 number 2 storey 3-bed semi-detached, 13 number 2 storey 3-bed terraced and 2 number 2 storey 4-bed detached to 20 number 2 storey 4-bed semi-detached, 30 number 2 storey 3-bed semidetached, 7 number 2 storey 3-bed terraced, 8 number 2 storey 2-bed terraced and 2 number 2 storey 4-bed detached. Works will further involve minor localized modifications to the site layout along with all associated site works & services. Gross floor space of proposed works: 7637.1 sqm. (19 Conditions).

- PA reg ref 17/1510 - extension of duration for full permission granted to Solemia Unlimited Company for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 & 12/1112 (Gross floor area 15,507 sqm).
- PA reg ref 12/1112 - extension of duration granted to McInerney Homes Ltd (in receivership) for full permission for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semi-detached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services, previous planning reference no. 06/5813 (Gross floor area 15,507 sqm) (expired 24/10/2017).
- PA reg ref 06/5813 - outline planning permission granted to McInerney Homes Ltd to construct a creche measuring 450 sqm and for full permission for a residential development consisting of 113 residential units comprising of 24 5-bed detached dwellings, 4 4-bed detached dwellings, 24 4-bed semi detached dwellings, 48 3-bed semidetached dwellings, 13 3-bed terrace dwellings. Permission is also sought for the provision of an access onto the Spiddal Road, an internal temporary access road, connection to the existing public sewer along with all other ancillary site services (Gross floor area 15,507 sqm).

5.0 Policy Context

5.1. Development Plan

The Galway County Development Plan 2022-2028 is the strategy for the proper planning and sustainable development of the functional area of Galway County. The following are considered relevant in this case:

Chapter 2: - Core Strategy, Settlement Strategy and Housing Strategy Table 2.2: Population Growth in County Galway 2011-2016 Moycullen is identified as being within Tier 5 of the settlement hierarchy

Chapter 3 - Placemaking, Regeneration and Urban Living

- Policy Objectives Placemaking - PM 1- PM 13.
- Policy Objectives Compact Growth and Regeneration CGR 1-13.
- Policy Objectives Urban Living UL1-6.

Chapter 7 - Infrastructure, Utilities and Environmental Protection

Section 7.5.3 – Policy Objectives for Water Supply

Chapter 8 - Tourism and Landscape

Section 8.13 – Landscape

Chapter 10 - Natural Heritage, Biodiversity and Green/Blue Infrastructure Section

10.6 Natural Heritage and Biodiversity Section

10.15 Green and Blue Infrastructure

5.2. Moycullen Small Growth Town Plan 2022 to 2028 – Zoned Residential

5.3. Natural Heritage Designations

- SAC:Lough Corrib SAC (approximately 1.17 km from the subject site)
- SAC:Ross Lake and Woods SAC (approximately 3.54 km from the subject site)
- SAC:Connemara Bog Complex SAC (approximately 3.84 km from the subject site)
- SPA:Lough Corrib SPA (approximately 2.91 km from the subject site)

5.4. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. This is a third party appeal against the decision of Galway County Council to Grant permission in this instance. The Grounds of Appeal can be summarised as follows:

- The issues raised in the further information request have not been addressed adequately by the applicant. There are serious outstanding enforcement issues on site.
- No reasonable timeframe has been provided for the completion of the development or the 4 houses sought for in this application. There are currently unauthorised works proceeding on site which do not have the benefit of planning permission.
- The retaining wall as constructed has not been constructed in accordance with relevant planning permissions.
- Due to ongoing rock breaking on site there has been structural damage caused to adjoining properties and this has not been repaired or fixed by the appellant. No details of vibration impact or noise readings have been supplied by the applicant. This continued unauthorised activity has resulted in legal proceedings against the applicant.
- The finished wearing course has not been installed on site. There are still no footpaths finished on site. Residents are forced to pay management fees for the upkeep of the development even though it now equivalent to a building site. Much of the recreational areas are inaccessible as they are fenced off by

Solemia and its agents. Seeks that condition that no management fees are sought by the agent until the development is completed to required standard.

6.2. Applicant Response

The applicant has responded to each of the grounds of appeal in turn and addressed each issue separately. The issues will be addressed more comprehensively at assessment stage but can be summarised as follows:

- All matters raised within the further information were addressed by the applicant within the further information submission and assessed by the planning authority.
- The issues of time frames and construction methodology has been provided for in the response to further information request through the provision of a Construction Management Plan.
- There are no enforcement proceedings current relating to the retaining wall on site. This matter has been clarified in response to the further information.
- There are no enforcement proceedings in relation to rock breaking on site. There is on- going ground clearance which includes removing some rock outcrops from the development to facilitate the construction of houses. The rock outcrop which is in the appeal site is no different to elsewhere in the over landholding.
- There are currently no unauthorised works occurring on site Section 40 (2a) (iv) and (2b) (ii) of the P&D Act provides for the completion of roads, services and open spaces to be completed outside of the statute limit of a duration of permission.
- In relation to rock breaking the construction management plan clearly outlines a process for managing future rock breaking and control and monitoring measures employed.
- The applicant contends that all buildings are built to standards and regulations.

- Other matters brought up by the applicant including management fees are outside the scope of the appeal.

6.3. Planning Authority Response

- None

6.4. Observations

Conradh na Gaeilge - In summary this observation makes recommendations in relation to a Linguistic Impact Statement for each proposed unit. Also, that there should be a condition that the units are only sold to native Irish speakers, with a condition that a minimum clause of 15 years applies, and that there would be a restriction on long term leasing of the units (not more than 3 months in any given year) except to native Irish speakers.

6.5. Further Responses

- None

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 local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Construction Impact
- Irish Language
- Other Matters
- Appropriate Assessment

7.2. Context

- 7.2.1. The development proposal concerns the construction of four dwellings in the centre of the Bun Na Coille housing estate. Planning permission was previously granted for 116 houses under parent permission reference 06/5813. Subsequently, an application for changes to house design and completion of the estate was approved under planning reference 21/1851. The current appeal pertains solely to the construction of four dwellings (units 41-44), for which the previous planning permission has since expired.
- 7.2.2. The appeal raises several issues related to enforcement proceedings and alleged unauthorised development within the wider estate. These issues fall outside the redline boundary of the site and will be addressed separately under the heading “Other Matters” for clarity. The applicant has provided a response to each of the issues raised by the appellant.

7.3. **Construction Impact**

The proposed development represents the final phase of the Bun Na Coille housing estate, involving the construction of four semi-detached dwellings (Type 3A) located centrally within the site, between house numbers 40 and 45. These houses are part of Phase 2 of the estate’s development and are positioned on an infill site along a bend in the internal road network. Each dwelling will have a floor area of 114 sqm, finished with lime and cement render and limestone cladding to match the existing estate, and will include a single car parking space per unit. At the time of the site inspection, the estate was substantially complete, with landscaping, footpaths, public lighting, and internal roads fully developed. The following sections address the key issues raised in relation to construction impact.

7.3.1. Rock Breaking and Vibration Control

The appellant has expressed concerns regarding noise, vibration, and potential structural damage to existing properties caused by rock breaking during construction. The applicant acknowledges that previous rock outcrops were removed during earlier phases of the development and states that similar measures will be undertaken for these four units. Relevant provisions are outlined in the Construction Management Plan (CMP), specifically Sections 3.5 and 3.12.

Section 3.5 outlines measures for rock removal:

- Use of an excavator-mounted hydraulic hammer.
- Dust suppression methods to be employed.
- Prohibition of chemical or hydrocarbon storage near the site.
- Scheduling of works to minimise potential negative impacts.

Section 3.12 details vibration control measures:

- Vibration monitoring to be conducted on selected adjacent buildings and boundary walls.
- Transducers to be affixed to structures to assess and mitigate vibration impacts.

7.3.2. Based on the outlined measures, I consider that the applicant has adequately addressed potential vibration impacts. The scale of rock breaking appears limited, and the mitigation measures provided should ensure that impacts on neighbouring properties are minimised. A specific planning condition requiring onsite monitoring and restriction of rock-breaking activities to designated hours is recommended to protect residential amenity.

7.3.3. Noise Control

The appellant also raised concerns regarding noise from rock breaking. Section 3.11 of the CMP addresses noise suppression and compliance with BS5228 (2009) "Code of Practice for Noise and Vibration Control on Construction and Open Sites: Part 1: Noise." However, no specific decibel limits were proposed by the applicant or the local authority.

7.3.4. Considering the limited extent of excavations required, I recommend that noise monitoring be implemented along site boundaries. Rock-breaking activities should be restricted to specified hours, as outlined in the planning authority's conditions, to further mitigate noise impacts. A specific condition requiring noise monitoring and adherence to an agreed hours permitted for rock breaking would provide additional assurance.

7.3.5. Compliance with Development Plan Standards

The Galway County Development Plan does not specify noise level standards for construction activities related to dwelling houses. However, it emphasises the

importance of completing and consolidating unfinished estates. In this case, the proposed development represents the final phase of the estate's construction.

- 7.3.6. Given the limited scale of the works, I do not consider the noise or vibration levels to be significant enough to detrimentally impact the amenity of neighbouring properties. The proposed mitigation measures within the CMP, combined with appropriate planning conditions, should effectively manage construction impacts and support the timely completion of the estate.
- 7.3.7. The proposed development for the construction of four dwellings at Bun Na Coille housing estate is consistent with the previously approved layout and design under planning reference 21/1851. Subject to adherence to the conditions outlined in the Construction Management Plan and additional safeguards regarding noise and vibration monitoring, the development can proceed without having a significant negative impact on residential amenity. Specific conditions regarding construction hours, monitoring protocols, and adherence to noise and vibration standards are recommended to ensure minimal disruption to the surrounding area.

7.4. Irish Language

I note observation on file from Conradhn a Gaeilge and recommendation to provide a condition that the units are only sold to native Irish speakers, with a condition that a minimum clause of 15 years applies, and that there would be a restriction on long term leasing of the units (not more than 3 months in any given year) except to native Irish speakers. I note the applicant as part of the further information request for Galway County Council submitted a linguistic impact statement for the development which was accepted by Galway County Council. I note the applicant proposes the provision of 1 unit for native Irish Speakers. Condition 5 of the Schedule of conditions seeks that the applicant shall comply with linguistic impact statement and 20% of houses are retained for individuals who demonstrate the ability to preserve and protect the Irish Language.

- 7.4.1. In order to comply with the Policy Objective MSGT 11 of the Galway County Development Plan the linguistic impact statement recommends the allocation of 1 of the 4 residential developments for native Irish Speakers. The application of the enurement clause of 20% is in line with the above Policy Objective of the Galway County Development Plan. The non statutory Maigh Cuillinn language plan that has

been approved by the Department of the Gaeltacht recommends an enurement clause of 35% is adopted for residential development in Maigh Cullen. Having regard to the above I consider that adequate regard has been given to the Language enurement clause as set out in the County Development Plan and the provision of 1 house for native Irish Speakers and an associated conditions is acceptable in this instance. I am satisfied the proposal aligns with Policy Objective MSGT 11 of the Galway County Development Plan 2022 to 2028.

7.5. Other Matters

The appellant has raised several concerns regarding unfinished aspects of the estate, including footpaths, boundary walls, and landscaping. They have also referred to an unauthorised boundary wall and ongoing legal proceedings involving the applicant and Galway County Council.

It is noted that the matters identified by the appellant lie outside the red line boundary of the application site. Issues relating to planning enforcement are the responsibility of the local authority and are therefore beyond the remit of An Bord Pleanála. Nonetheless, in the interests of clarity and to address any potential site-wide implications relevant to this appeal, these issues have been considered as follows:

7.5.1. Unfinished Aspects of the Estate

On the date of my site inspection, the development was observed to be substantially complete, with road surfacing, public footpaths, and public lighting fully in place. The landscaping and green spaces were also complete, however the green space opposite the proposed development site was closed off with fencing. It appears the opening of this space is delayed awaiting completion of the 4 houses under this proposal. As part of a request for further information, the applicant submitted a detailed timeline for the completion of remaining works, which included:

- Construction of remaining boundary walls upon receipt of planning permission for units 41-44.
- Installation of kerbs and footpaths, with an estimated completion timeline of 4-5 weeks.

- Landscaping of open spaces, scheduled for completion by the end of April.
- Completion of private landscaping in rear gardens once boundary walls are constructed.
- Roadworks to be finalized following the installation of kerbs and footpaths, with completion also expected by the end of April.
- Public lighting, which has already been fully installed.

7.5.2. During the site visit, it was noted that the majority of these works had been completed, except for the rear boundary walls, which the applicant stated are contingent on the outcome of the local authority and An Bord Pleanála decisions. Overall, I consider that the estate has been developed to a high standard. The unfinished aspects raised by the appellant are no longer relevant, given the progress made since the submission of the appeal. The applicant has demonstrated a clear commitment and capacity to complete the remaining works to a high standard. Consequently, I do not consider these issues to warrant refusal of the application.

7.5.3. Alleged Non-Compliance and Legal Proceedings

The appellant has also alleged a history of non-compliance by the developer, as well as ongoing unauthorised works, including the construction of a rear boundary retaining wall that is claimed to deviate from planning permission (Ref: 06/5813). The applicant has provided detailed information regarding the works completed and those remaining, as outlined above. It is further stated that the works carried out to date comply with Section 40(2)(a)(iv) and Section 40(2)(b)(ii) of the Planning and Development Act, which permit the provision of roads, services, and open spaces beyond the statutory timeframe.

7.5.4. The applicant has also clarified that no legal proceedings are currently ongoing between themselves and Galway County Council. Following my review of the submitted documentation and site inspection, I am satisfied that the works completed on-site to date align with the original planning permissions and that the issues of alleged non-compliance and legal proceedings are not material to the determination of this appeal.

- 7.5.5. Based on the evidence presented and my observations during the site inspection, I consider the appellant's concerns to be either outside the remit of this appeal or addressed satisfactorily by the applicant. The development is substantially complete and has been executed to a high standard. There are no substantive issues arising that would warrant refusal of the application.

8.0 AA Screening

I have considered the proposal to construct a dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 1.7km from the nearest European Site Lough Corrib SAC and 2.9km from Lough Corrib SPA. The development proposal consists of construction of 4 dwellings.

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development]
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED subject to the following conditions.

10.0 Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the

proposed construction of 4 dwelling houses within the existing housing estate accords with the zoning objective for Moycullen as set out the Moycullen Small Town Growth Plan 2022- 2028 and the County Development Plan 2022 to 2028. It is considered that the proposed development would not adversely affect the amenity of properties in the vicinity and the construction of the four houses is essential to ensure the estate is finished to the highest standard.. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd of November 2023 and as per revised drawings, reports and documents submitted on the 5th of April 2024, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. This permission is for 4 no. semi-detached house as indicated under the public notices only and in all other respects the development shall be executed in accordance with Planning Reference numbers PI. Ref. 21/2071 and PI. Ref. 06/5813. The proposed development shall comply with the terms and conditions of PI. Ref. 21/2071 and PI. Ref. 06/5813 which govern the overall development of the site, save where amended by the plans and particulars submitted with this application on 23rd November 2023 and 5th April 2024 and the conditions hereunder.

Reason: In the interest of clarity, orderly and sustainable development.

3. (i) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) and Traffic Management Procedures as received by the Planning Authority on the 5th April 2024. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final CEMP.

(ii) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the Planning Authority upon request.

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

4. (a) The proposed dwelling houses shall have a nap plaster and/or natural limestone external finish.
- (b) The proposed windows shall be of powder coated aluminium and/or timber framed and/or non white uPVC.
- (c) The external doors shall be of timber construction, unless otherwise agreed in writing with the planning authority, prior to the commencement of development on site.
- (d) The colour of the roof shall be black/grey tiles/slates only.
- (e) The colour of any rainwater goods shall be dark in colour/match the colour of the roof.
- (f) Eaves and verges shall be flush.

Reason: In the interest of visual amenity.

5. (a) All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.
- (b) Only clean uncontaminated storm water shall be discharged to soakaway system or surface water.
- (c) Proposed Tie into the existing road margin shall be cleared, graded, levelled and surfaced to a standard suitable for use and shall be agreed in writing to the satisfaction of the Area Engineer and Planning Authority. Proposed tie in to include suitable

drainage infrastructure (Gullies etc) at the proposed entranceway to collect and dispose of surface water runoff from the existing public road.

Reason: In the interests of road safety and proper planning and development.

6. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

7. All service cables associated with the proposed development such as electrical, telecommunications and communal television should 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

8. (a) A minimum of 25 % of the residential units (1 unit) hereby permitted shall be restricted to use by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, for a period of 15 years.

(b) Prior to occupation of the development, the developer shall enter into a Section 47 agreement with the planning authority, to restrict the sale of units of the agreed portion of the residential elements of the development hereby permitted for the use of occupants who have an appropriate competence/fluency in Irish, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the written satisfaction of the planning authority that it has not been possible to transact each specified housing unit for use by occupants with the required competence/fluency in Irish.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning authority of satisfactory documentary evidence from the

developer regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

(d) The appropriate competence / fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meánleibhéal 2 in the Teastas Eorpach na Gaeilge examinations and a future occupier of each residential unit subject of this occupancy clause shall provide proof to the developer and planning authority, by way of a compliance submission, that a nominated adult residing in the respective household has completed such an examination, or similar level of examination in the Irish language, within a reasonable timeframe of purchasing / occupying the respective residential unit.

(e) 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 housing unit(s) is/are used to meet the [state relevant development plan policy or applicant's stated housing needs] and that development in this area is appropriately restricted [to meeting essential local need] [to preserve and protect the language and culture of the Gaeltacht] in the interest of the proper planning and sustainable development of the area.

9. (a) Boundary treatment and landscaping shall be as per the plans and particulars received by the Planning Authority on the 23rd November 2023, and as amended by the plans and particulars received by the Planning Authority on the 5th April 2024.

(b) Planting shall comprise of native tree/plant species only.

(c) All boundary treatments facing public areas shall be constructed using natural, limestone only.

Reason: In the interests of visual and residential amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in

writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the EPA, 2021.

Reason: In the interest of sustainable waste management.

11. (a) All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition, immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning works.

(b) All vehicles/machinery associated with construction works for the development here permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles/machinery associated with construction works, park on the public road or grass verge thereto, then the Planning Authority or the Roads Authority shall be empowered to cease all works on site and works shall not recommence without the prior written agreement of the Planning Authority.

Reason: In the interest of proper planning and development

12. The mitigation measures and best practice construction, operation and environmental protection methodologies and monitoring outlined in the Construction and Environmental management plan as submitted to the planning authority shall be implemented in full and supervised by a suitably qualified and bonded person(s). The applicant shall ensure all control and monitoring measures in relation to rock breaking are implemented as per Section 3.5 and 3.12 of the Construction Environment Management Plan.

Reason: In the interest of orderly and sustainable development.

13. Site development and building works shall be carried out only between the hours of 0700 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.

Reason: In order to safeguard the residential amenities of property in the vicinity

14. The development works shall be adequately supervised by a Consulting Engineer who shall, on completion of the works and prior to the occupation of any of the associated dwellings, issue a certificate as to the adequacy of the standard of the works which shall be submitted for the written agreement of the Planning Authority. Details of the consulting engineer's full professional indemnity insurance shall be forwarded to the Planning Authority for confirmed written approval prior to any works commencing on site. (ii) Prior to the pouring of foundations, the approved Consulting Engineer shall certify that the individual units have been set out in accordance with Condition No. 1 above. REASON: To ensure an adequate standard of development.

15. 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 Bord 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.

16. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development,

coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Darragh Ryan
Planning Inspector

31st December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319813-24		
Proposed Development Summary	Construction of 4 dwellings		
Development Address	Coill Bhruachláin, Kylebroughlan, Moycullen, Co Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X.
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Residential	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X	No EIAR required	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	319813- 24	
Proposed Development Summary	Construction of 4 dwellings	
Development Address	Coill Bhruachláin, Kylebroughlan, Moycullen, Co Galway	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located on serviced land in the centre of an existing housing estate. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposal involves construction of 4 dwellings. A construction environmental plan has been submitted. All waste can be managed through standard waste management procedures.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is 0.1058ha.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No
Location of the Development	The proposed development is located 1.7km south west of Lough Corrib SAC and 2.9km from Lough	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Corrib SPA. The proposal includes standard best practices methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)