



Planning Ref. No.:	ABP-321910-25
Description of development:	Substitute consent for the retention and completion of 8 dwelling houses - 9 to 16 inclusive, Garraí Mhic Aodha, Ballyhaugh, Gort and construct 32 dwelling houses - 17 to 20 inclusive, Garraí Mhic Aodha and 1 to 28 inclusive, Gort an Choirce, Ballyhugh, Gort.
Location:	Ballyhugh, Gort, Co. Galway
Applicant(s) :	Newmar Developments.

In response to the letter received from An Bord Pleanála the Planning Authority can advise the following as per the requirements of Section 177 (2) (a), (b), (c), (d) and (e).

177 (2) (a) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;

Please see below the relevant planning history on site as follows:

2460812: Invalid: Retention and completion of 8 dwelling houses - 9 to 16 inclusive Garraí Mhic Aodha, and to construct 32 dwelling houses - 17 to 20 inclusive Garraí Mhic Aodha and 1 to 28 inclusive Gort An Choirce. Gross floor space of proposed works: 2,969.86 sqm.

2360216: Invalid: Retention and completion of 8 dwelling houses - 9 to 16 inclusive Garraí Mhic Aodha, Ballyhugh, Gort and to construct 32 dwelling houses - 17 to 20 inclusive Garraí Mhic Aodha and 1 to 28 inclusive Gort An Choirce, Ballyhugh, Gort. Gross floor space of proposed works: 2, 969.86 sqm. Gross floor space of work to be retained: 682.08 sqm.

22446: Refused: Extension of duration to construct (1) 132 no. houses comprising 5 no. single storey detached houses, 8 no. detached 2 storey houses, 30 no. 2 storey semi detached houses, 50 no 2 storey semi-detached houses, 39 no 2/3 storey terraced houses. (2) 6 no. 2 bed apartments/creche/2 no. shop units and associated signage in 1 no. 3 storey block. (3) All associated site development works to include car parking, riverside walk/access, playground and amenity areas, roads, paths and boundaries/landscaping. (4) All associated services including foul sewage sump and pumping plant, development of the full capacity of a water supply bore hole on site with pump house and treatment plant and 80m cubed water storage tank to supply water to the development and adjoining areas. (5) 2 no. ESB sub-stations and 1 no. meter room (gross floor space 17,117.8sqm)(Previous planning ref no.08/2336) Previous planning Ref. No. 14/502 & 18/741.

22/445: Refused: Extension of duration for changed house plan on sites '1 to 73' previously granted permission under pl. Ref. No. 20/1010, 08/2336 & 14/502 & 19/738. Gross floor space of proposed developments: 6546 msq. (Newmar Developments);

22/444: Refused: Extension of duration for the change of house plans on 16 sites previously granted permission under Planning Ref Nos 19/989, 08/2336 & 14/502. Gross floor space of proposed works: 1703.2 sqm (Newmar Developments);

21/ 2311: Refused: Extension of or changed house plan on sites '1 to 73' previously granted permission under pl. Ref. No 08/2336 & 14/502 & 19/738. Gross floor space of proposed developments: 6546 msq. dwelling (Newmar Developments);

21/1753: Granted: Permission for retention of change of use of houses 1 and 2 of Garraí Mhic Aodha from a private dwelling to a single community dwelling (Newmar Developments);

21/1615: Refused: Retention of elevation alterations to apartment and creche block previously granted under 18/741 (Newmar Developments);

20/1780: Granted: Retention and completion 4 dwelling houses. Developments on sites 5 to 8 Garrai Mhic Aodha. Gross floor space of proposed works: 253.8 sqm (Newmar Developments);

20/1010: Granted: Permission for changed house plan on sites '1 to 73' previously granted permission under pl. Ref. No 08/2336 & 14/502 & 19/738. Gross floor space of proposed developments: 6546 msq. (Newmar Developments);

20/780: Granted: Retention of (1) a changed house plan on sites '1 to 4' and '29 to 30' & (2) retention of elevation alteration on sites '21 to 28' & '31 to 47', previously granted permission under Planning Ref Nos 08/2336 & 14/502 & 19/738 is being sought. (Newmar Developments);

20/1010: Granted: Permission for changed house plans on sites 1 to 73 previously granted permission under pl.ref. no's 08/2336, 14/502 and 19/738 (Newmar Developments);

20/694: Invalid: Permission for changed house plans on sites 1 to 73 previously granted permission under pl.ref. no's 08/2336, 14/502 and 19/738 (Newmar Developments);

20/621: Invalid: Retention permission for (1) the retention of a changed house plan on sites '1 to 4' and '29 to 30', & (2) retention of elevation alteration on sites '21 to 28' & 31 to 47, previously granted permission under Planning Ref Nos 08/2336 & 14/502 & 19/738. Gross floor space of work to be retained: 472.46 sqm
19/989: Granted: Permission for change of house plan on 16 sites previously granted permission under Planning Ref Nos 08/2336 & 14/502. Gross floor space of proposed works: 1703.2 sqm

19/1707: Refused: Permission for elevation alterations to apartment block, and to change lower ground floor creche to 5 apartments previously granted permission under Planning Ref Nos 08/2336 & 14/502 & 18/741, 19/738. Gross floor space of proposed works: 303.08 sqm (Newmar Developments);

19/1707: Refused: Permission for elevation alterations to apartment block, and to change lower ground floor creche to 5 apartments previously granted permission under Planning Ref Nos 08/2336 & 14/502 & 18/741, 19/738. Gross floor space of proposed works: 303.08 sqm (Newmar Developments); (Reason: Loss of creche);

19/989: Granted: Permission for the change of house plans on 16 sites previously granted planning permission under pl.ref: 08/2336 & 14/502 (Newmar Developments);

19/738: Granted: Extension of duration of permission to construct (1) 132 no. houses comprising 5 no. single storey detached houses, 8 no. detached 2 storey houses, 30 no. 2 storey semi detached houses, 50 no 2 storey semi-detached houses, 39 no 2/3 storey terraced houses. (2) 6 no. 2 bed apartments/creche/2 no. shop units and associated signage in 1 no. 3 storey block. (3) All associated site development works to include car parking, riverside walk/access, playground and amenity areas, roads, paths and boundaries/landscaping. (4) All associated services including foul sewage sump and pumping plant, development of the full capacity of a water supply bore hole on site with pump house and treatment plant and 80m cubed water storage tank to supply water to the development and adjoining areas. (5) 2 no. ESB sub-stations and 1 no. meter room (gross floor space 17,117.8sqm)(Previous planning ref no.08/2336) Previous planning Ref. No. 14/502 & 18/741 (Newmar Developments)

18/741: Granted: Permission to alter crèche/commercial/residential block previously granted permission Ref. No. 14/502 to include :- Alterations to crèche, elimination of commercial units and replacement with 7 no. 2 bed apartment at ground floor and 4 no. apartments at first floor. Gross floor space of proposed works 1263 sqm (Jennifer Moran Newmar Developments);

14/502: Granted: Extension of Duration of permission to construct (1) 132 no. houses comprising 5 no. single storey detached houses, 8 no. detached 2 storey houses, 30 no. 2 storey semi detached houses, 50 no 2 storey semi-detached houses, 39 no 2/3 storey terraced houses. (2) 6 no. 2 bed apartments/creche/2 no. shop units and associated signage in 1 no. 3 storey block. (3) All associated site development works to include car parking, riverside walk/access, playground and amenity areas, roads, paths and boundaries/landscaping. (4) All associated services including foul sewage sump and pumping plant, development of the full capacity of a water supply bore hole on site with pump house and treatment plant and 80m cubed water storage tank to supply water to the development and adjoining areas. (5) 2 no. ESB sub-stations and 1 no. meter room (gross floor space 17,117.8sqm)(Previous planning ref no.08/2336) (Reddington Construction Ltd.)

08/2336: Granted: Permission to construct (1) 132 no. houses comprising 5 no. single storey detached houses, 8 no. detached 2 storey houses, 30 no. 2 storey semi detached houses, 50 no 2 storey semi-detached houses, 39 no 2/3 storey terraced houses. (2) 6 no. 2 bed apartments/creche/2 no. shop units and associated signage in 1 no. 3 storey block. (3) All associated site development works to include car parking, riverside walk/access, playground and amenity areas, roads, paths and boundaries/landscaping. (4) All associated services including foul sewage sump and pumping plant, development of the full capacity of a water supply bore hole on site with pump house and treatment plant and 80m cubed water storage tank to supply water to the development and adjoining areas. (5) 2 no. ESB sub-stations and 1 no. meter room (gross floor space 17,117.8sqm) (Reddington Developments); 126 units permitted. Parent permission on site, pl.ref: 08/2336 due to expire on the 31st of December 2021.

01/1731: Refused: Outline permission for construction of a commercial unit (Paul Walsh);

Parent permission on site, pl.ref: 08/2336 due to expire on the 31st of December 2021.

177 (2) (b) information relating to any warning letter, enforcement notice or proceedings relating to offences under this Act that relate to the applicant for substitute consent;

The Planning Authority can confirm that there is no record of an Enforcement file on this site.

177 (2) (c) information regarding the relevant provisions of the development plan and any local area plan as they affect the area of the site and the type of development concerned;

There is currently no Local Area Plan for the settlement of Gort.

The Council are currently in the process of preparing a new plan, The Chief Executive's Report and Appendices for the Draft Gort Local Area Plan 2025-2031 are available to view at www.galway.ie/en/services/planning/planspolicy/lap

The following from the Galway County Development Plan 2022-2028 would be relevant for the current application before the Bord:

Chapter 2 Core Strategy, Settlement Strategy and Housing Strategy:

The GCDP identifies Gort as a Self Sustaining Settlement. Self-Sustaining Towns are described as those with high levels of population growth and a limited employment base which are reliant on other areas for employment and/or services and which require targeted "catchup" investment to become more sustaining. The Core Strategy Table (Table 2.11) allocates 460 units to Gort with 320 of these allocated for greenfield sites and 138 allocated for brownfield sites on the basis of a density of 25 units per hectare. The Core Strategy Policy Objectives as they relate to the proposed develop are:

- CS 1 Implementation
- CS 2 Compact Growth
- CS 3 Population Growth
- SS 4 Self Sustaining Towns (Level 4)- Support the development of Gort and Loughrea as Self-Sustaining Towns as outlined in the Core Strategy and Settlement Hierarchy in order to improve local employment, services and sustainable transport options in order to become more self-sustaining settlements.
- HS 1 Housing Requirements
- PV1 Part V Provision

Chapter 3 Placemaking, Regeneration and Urban Living

- PM 1 Placemaking
- PM 4 Sustainable Movement within Towns
- PM 5 Sustainable Transport
- PM 6 Health and Wellbeing
- PM 7 Inclusivity
- PM 8 Character and Identity
- PM 10 Design Quality
- PM 13 Public Realm Opportunities
- CGR 1 Compact Growth
- CGR 6 Density

Section 3.7 Urban Living

Section 3.7.2 Layout and Design:

This section of the GCDP sets out that neighbourhoods must be attractive, safe and vibrant for people to live there. Future development proposals will be required to ensure that:

- The principles good placemaking are adhered to as set out in this chapter;
- While residentially zoned areas are intended primarily for housing development, a range of other uses, particularly those that have the potential to foster the development of new residential communities may be considered e.g. crèches, schools, nursing homes or homes for older persons, open space, recreation and amenity uses;
- Development proposals must comply with the set out within the Development Management Standards set out in Chapter 15;
- Proposed developments must have regard to the relevant policy objectives set out within the plan.

Section 3.7.3 Housing types/Design Mix:

This section indicates that the mix of housing in the County is influenced by a range of factors and that good placemaking in towns and villages across the County can be delivered if the neighbourhoods offer a good mix of unit types that are attractive to inhabitants.

3.7.4 Public and Private Open Space

This section highlights the importance of well-planned and considered public and private open space provision in an area is key to providing a high-quality residential environment for residents and visitors alike. Residential areas should have a suitable mix of both types. The amount of open space, where it is located and the benefits it provides people are the key attributes that all proposed development should ensure is addressed. It further states that development proposals should consider the specific open space needs of an area, the priorities to be addressed and the actions that will be implemented as part of a development proposal. The provision of open space will vary in scale from large regional parts to pocket parks close to people's homes, while it is acknowledged that the specific characteristics of a place may make it difficult or impossible to meet specific elements of the provision and location standards. The Plan allows for a flexible approach and will encourage creative responses to deliver the open space policy objectives through well-coordinated open space strategies that work at scale and across sectors in a collaborative partnership approach. The provision of open space must be planned in a coherent manner, and it is not sufficient to provide left over residual piece of land after a site has been designed.

The policy objectives relating to Urban Living are:

- UL 2 Layout and Design
- UL 3 Housing Mix
- UL 5 Open Space

Also, relevant given the nature of the proposed development are the following GCDP chapters, Policy Objectives as well as Development Management Standards (not exhaustive);

Chapter 6: Transport and Movement

- GCTPS 2 - Integrated Approach to Land Use and Transportation
- ILUTP 1 - Sustainable Transportation
- WC 1- Pedestrian and Cycling Infrastructure
- WC 3 - Sustainable Transport Movement
- GBW 1 - Greenways
- PT 1 - Sustainable Modes of Transport
- PT 6 - Galway to Athlone Rail Line
- NNR 2 - Safeguard Regional and Local Roads
- NNR 3 - Design Manual for Urban Roads and Streets
- NNR 8 - Car Parking

- NNR 7 - Mobility Management Plans

Chapter 7: Infrastructure, Utilities and Environmental Protection

- WS 4 - Requirement to Liaise with Irish Water
- WS 7 - Water Quality
- WW 7 - Sustainable Drainage Systems
- WM 2 - Requirements for Waste Management
- WM 5 - Construction and Environmental Management
- NP 2 - Developments within Noise Maps (Noise Action Plan 2019- 2023)
- NP3 - Noise Impact Assessments
- SQ 2 - Soil Protection Measures
- MAS 3 - SEVESO III Sites

Chapter 8: Tourism and Landscape

- GBW 2- Future Development of Network of Greenways
- LCM 2- Landscape Sensitivity Classification
- PVSr 1 - Protected Views and Scenic Routes

Chapter 10: Natural Heritage, Biodiversity and Green/Blue Infrastructure

- NHB 1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species
- NHB 2 - European Sites and Appropriate Assessment
- NHB 3 - Protection of European Sites
- NHB 4 - Ecological Appraisal of Biodiversity Ensure
- NHB 5 - Ecological Connectivity and Corridors

- NHB 7 - Mitigation Measures
- NHB 9 - Protection of Bats and Bats Habitats
- WR 1 - Water Resources
- IS 2 - Invasive Species Management Plan
- PO 1 - Delivery of All Ireland Pollinator Plan
- TWHS 1 - Trees, Hedgerows, Natural Boundaries and Stone Walls
- GBI 1 - New Developments
- BGP 2 - Development of Strategic Greenway Network

Chapter 11: Community Development and Social Infrastructure

- CF 1 - Childcare Facilities
- CF 3 - Crèche Facilities

Chapter 12: Architectural, Archaeological and Cultural Heritage

- AH 7 - Local Place Names
- AH 14 - Design and Landscaping in New Buildings
- ARC 4 - Protection of Archaeological Sites

Chapter 14: Climate Change, Energy and Renewable Resource

- CC 8 - Climate Action and Development Location
- CC 10 - Green Infrastructure
- FL 2 - Flood Risk Management and Assessment
- FL 3 - Principles of the Flood Risk Management Guidelines
- FL 6 - Surface Water Drainage and Sustainable Drainage Systems (SuDs)

- FL 7 - Protection of Waterbodies and Watercourses
- FL 8 - Flood Risk Assessment for Planning Applications and CFRAMS
- FL 18 - Inappropriate Development on Flood Zones

Chapter 15: Development Management Standards

- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 3: Apartment Developments (Urban Areas)
- DM Standard 11: Landscaping
- DM Standard 22: Walking and Cycling
- DM Standard 23: Bus Network
- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 31: Parking Standards
- DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment
- DM Standard 34: Mobility Management Plans
- DM Standard 35: Pavement Finish of a Surface Abutting a Public Road
- DM Standard 36: Public Water Supply and Wastewater Collection
- DM Standard 39: Construction and Demolition Waste
- DM Standard 50: Environmental Assessments
- DM Standard 51: Green Infrastructure
- DM Standard 53: Community Facilities
- DM Standard 61: Archaeological Conservation and Preservation (Urban & Rural Areas)
- DM Standard 62: Energy Efficiency in Buildings
- DM Standard 63: Sustainable Design and Climate Action
- DM Standard 64: Residential Energy Efficiency and Climate Change Adaptation Design Statement
- DM Standard 67: Sustainable Drainage Systems (SuDS)
- DM Standard 68: Flooding

177 (2) (d) any information that the authority may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place F853[or, where *section 177E(2A)(b)* applies, is proposed to take place] and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

In this regard the Planning Authority note the following:

Details of designated site(s) and distance from application site:

SAC: Coole Garryland Complex SAC located circa 2.2km north west.

SPA- Coole Garryland Complex SPA located circa 2.4km north west.

EIA: The development is a project within a class of development as set out in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) that would be likely to have significant effects on the environment.

In this regard, Part 2 of Schedule 5, Class 10 (b) (i) of said regulations under Infrastructure Projects refers to the Construction of more than 500 dwellings. Part 2 of Schedule 5, Class 10 (b) (iv) of said regulations is also noted which refers to Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The development in this instance is well below the 500 dwelling threshold as set out Part 2 of Schedule 5, Class 10 (b) (i) of the Planning and Development Regulations, 2001.

The development site is located on lands which were previously zoned within an urban settlement outside of a business district and significantly below the 10 hectare threshold for other parts of a built up area and the 20 hectare threshold as set out in Part 2 of Schedule 5, Class 10 (b) (iv) of said regulations.

It is therefore considered that 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 stage and a screening determination is not required.

HDA: Article 6(3) of the EU Habitats Directive requires that 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In terms of plans/projects, there are no recent significant developments permitted in the immediate area, with all projects screened for or subject of an Appropriate Assessment. In terms of plans, the current proposal is being assessed under the Galway County Development Plan, 2015-2019, which was subject to a NIR and includes the following provisions to protect European Sites: Policy NHB 1, Objective DS 6, Objective NHB 1, Objective NHB 2, Objective NHB 3, Objective DS 6, Objective AFF 5 and DM Standard 40. The River Basin Management Plan

2018-2021 has also been considered in conjunction with the Gort Local Area Plan 2013-2023 which was subject of an Appropriate Assessment and accompanied by a Natura Impact Report.

Owing to the subject site location, adjoining the Cannahowa river, it is considered that there is a hydrological connection to the Coole Garryland Complex SAC and Coole Garryland Complex SPA. The European Site(s) most at risk, by reason of catchment (Galway Bay South East with Cannahowna as the subcatchment), size & scale, land-take, distance from European sites or key features of the site, resource requirements, underlying aquifer type & vulnerability, emissions, excavations, transportation requirements & duration of construction, operation & decommissioning are considered to be the Coole Garryland Complex SAC and Coole Garryland Complex SPA.

The Planning Authority note the conservation objectives of the Coole Garryland Complex SAC are:

- To maintain the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Coole-Garryland Complex SAC, which is defined by list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Turloughs* in Coole-Garryland Complex SAC, which is defined by the list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation in Coole-Garryland Complex SAC, which is defined by the list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Coole-Garryland Complex SAC, which is defined by the list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Coole-Garryland Complex SAC, which is defined by the list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Limestone pavements* in Coole- Garryland Complex SAC, which is defined by the list of attributes and targets as set out at https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.
- To restore the favourable conservation condition of Taxus baccata woods of the British Isles* in Coole-Garryland Complex SAC, which is defined by the list of attributes and targets as set out at

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000252.pdf and attached to the planning file.

(* denotes a priority habitat)

The conservation objective of the Coole Garryland SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

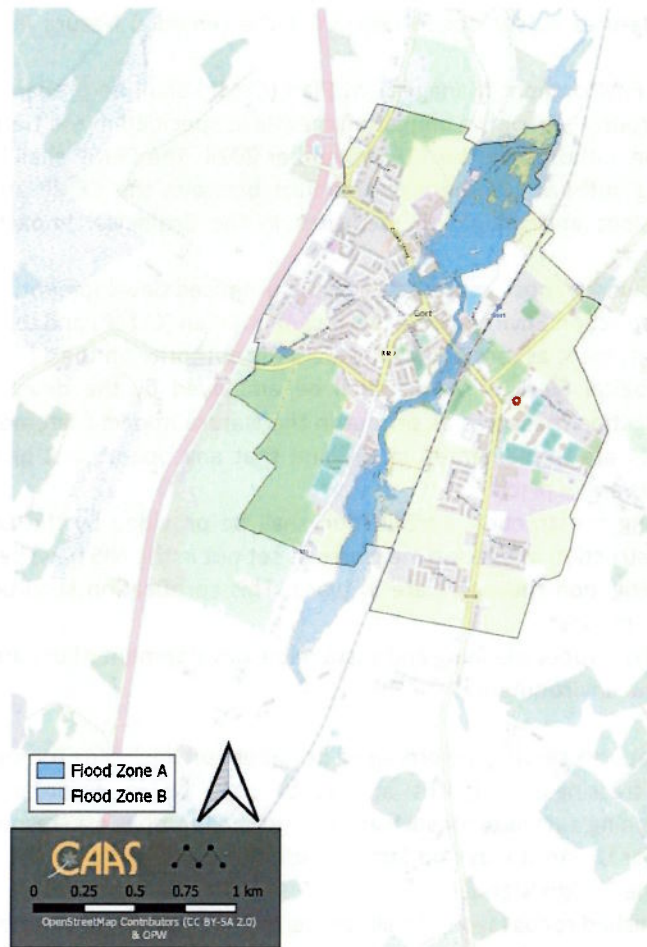
A038 Whooper Swan *Cygnus cygnus*

Potential impacts to the Coole Garryland SAC include the deterioration in water quality, during the construction phase of the development. Water quality is identified as one of the targets for a number of the qualifying interests of the Coole Garryland SAC. Maintaining the appropriate hydrological regime is also another target referenced for a number of qualifying interests.

Having regard to the location of the site adjoining the Cannahowa river, providing a hydrological connection to the Coole Garryland Complex SAC and Coole Garryland Complex SPA, the flood risk associated with the site (see also SFRA as contained within the Draft Gort Local Area Plan), the nature of scale of the development, the Planning Authority expresses concerns with regard for the potential for the development to result in adverse impacts on the aforementioned Natura 2000 sites. The Planning Authority note the mitigation measures as contained within the remedial NIS. The Planning Authority also note that the remedial NIS highlights that there is no connectivity between the site and the Coole-Garryland Complex SAC/SPA. As per the planning history on site it is noted that the Planning Authority have serious concerns with this statement due to the proximity of the site to the nearby Cannahowa river as stated above.

Prior to granting consent An Bord Pleanála must be satisfied from their own determination that the proposed development will not have a significant impact on the nearby European Sites qualifying interest (QI) habitats and species and also on water quality. They should also be satisfied the proposed development will not have a negative impact on downstream wetland habitats and Flora Protected Order species which would be contrary to Policy Objectives on “Natural Heritage and Biodiversity (NHB 1 to NHB 5)” of the current Galway County Development Plan 2022-2028. In the event planning is granted the Planning Department of Galway County Council recommends that all mitigation measures as outlined in Section 6.3 of the remedial Natura Impact Statement be a condition of planning.

Flood Risk: The Bord are advised of the current Draft Gort Local Area Plan and the associated Strategic Flood Risk Assessment which identifies lands zoned within Flood Zone’s A & B as per the map below. The Bord are advised that this be considered within their assessment for this application.



177 (2) (e) the opinion, including reasons therefor, of the F854[chief executive] as to—

(i) whether or not substitute consent should be granted for the development, and

(ii) the conditions, if any, that should be attached to any grant of substitute consent.

Should the Bord be minded to grant consent for this proposal the Planning Authority request that the following conditions would be considered.

1.The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th December 2024, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity.

2.(i) The mitigation measures as set out in Section 6.3 the remedial Natura Impact Statement shall be implemented in full.

(ii) A Construction and Environment Management Plan (CEMP) shall be prepared by a suitably qualified person which shall incorporate all of the mitigation measures specified in the Natura Impact Statement as received by the planning authority on the 11th December 2024. The CEMP shall be made available at the request of the planning authority. If there is a conflict between the CEMP and the Ecological Impact Assessment, the provisions and mitigation measures in the Ecological Impact Assessment shall take precedence.

(iii) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) and the Mitigation Measures set out in Natura Impact Statement as received by the planning authority on the 11th December 2024.

(iv) An appointed Ecological Clerk of Works shall be employed by the developer to ensure that the construction phase mitigation measures as set out in the Natura Impact Statement as received by the on the 11th December 2024 are implemented in full and that any operational phase mitigation measures specified in these reports are in place.

(v) Immediately following construction, certification shall be provided by the Ecological Clerk of Works confirming that the construction mitigation measures as set out in the NIS have been carried out in full and that the operational mitigation measures are in place. This certification shall be made available to the planning authority upon request.

REASON: In the interest of proper planning and sustainable development of the area and for the protection of European sites and the environment.

3.(i) The internal road network serving the proposed development, including turning bays, junctions, sight distances, pedestrian crossings, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets including compliance to the provisions of National Transport Authority Cycle Design Manual.

(ii) Proposed internal finished roads layout details presenting development geometrical parameters such as road gradients shall not exceed 1:20.

(iii) The site Layout of the scheme shall be amended to include the following;

- Turning head facilities for service vehicles and similar axle movements shall be provided for and thus included within a revised site layout plan at the developments cul de sac locations to the satisfaction and written agreement of the Planning Authority.
- Residential car parking spaces located in close proximity to internal junctions, pedestrian crossings and raised ramp points shall be revised in order to achieve clear inter-visibility to deter any potential conflicts with pedestrian crossing locations and shall be amended where such turning movements is currently occurring onto raised ramps.
- Internal layout priority junctions shall be clarified with appropriate road marking and road signage detailed at each junction in accordance with Traffic Signs Manual (as amended).

REASON: In the interest of pedestrian and traffic safety.

4. Prior to commencement of the development, the applicant shall submit for the written approval of the Roads & Transportation Dept. the detailed design of the elements of the development that will on completion form part of the public road and shared path facilities. This detail shall be subject to road safety audits and shall include details of vertical and horizontal alignment, road gradients, pavement tie-in details, cross-sectional details, road pavement/shared path specifications, (including demarcation of shared cycle path in a pigmented flexible pavement surface such as red SMA material or similar), tactile

paving, build up details, kerbing details, Road line marking, road signage, public lighting and surface water drainage infrastructure details.

REASON: In the interest of pedestrian and traffic safety.

5. (i). All surface water generated by this development shall be disposed of within the site and shall not be discharged onto the public road or the adjoining property.

(ii). Proposed public roadside tie in details shall include suitable drainage infrastructure at the proposed vehicular entranceway with new roadside Gullies positioned along the L-3105 segregated new shared path works (gully locations shall be informed by the drainage flow path design) in order to collect and dispose of surface water runoff from the existing public road. The provisions shall not increase the likelihood of flooding to the development property, the road or adjoining properties.

(iii). Prior to commencement of Development, the developer shall submit to the planning authority for written agreement, a stage 2 Detailed Design Stage Stormwater Audit.

(iv). Upon completion of the development, a stage 3 completion stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and working as designed and that there is CCTV surveillance surveys conducted to ensure no misconnections, or damage to storm water drainage infrastructure during construction, and shall be submitted to the planning authority for written agreement.

REASON: In the interests of road safety and surface water management.

6. Prior to commencement of the development, the applicant shall commission a road safety audit (stage 2), that will review the detailed design drawings and measures recommended by the earlier audit (stage 1) and accepted by the designer. Recommendations arising from the stage 2 audit, or alternative measures proposed therein by the developer and accepted by the auditor, shall be incorporated into the final design of the development at the expense of the developer. The audit shall be completed by an independent road safety auditor, at the developer's expense, and shall be submitted for the written approval of the planning authority.

REASON: In the interests of road safety.

7. On completion of the development, a stage 3 road safety audit shall be completed by an independent road safety auditor, at the developer's expense, and submitted for the written approval of the planning authority. Any safety issues highlighted in the audit shall be reviewed and addressed by the developer at their expense and shall be submitted for the written approval of the planning authority.

Reason: In the interests of road safety.

8. All necessary measures shall be taken by the applicant to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: In the interests of road safety.

9. (i). 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 superceding 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, if taken in charge (as applicable) by the planning Authority.

(ii) The areas of the development that may be for Taking In Charge shall be agreed in writing with the Taking in charge section of Galway County Council and the Planning Authority, within three months of the final grant of this permission. It shall be noted that permeable paving in trafficked areas, the use of

Aco drain channels and typical combined drainage kerb details as proposed are not compliant to Galway County Council's Taking in Charge policy whilst shared street design requires further consideration.

(iii) The lighting scheme should be designed by a competent public lighting designer so as to meet the design & performance requirements set out in the latest edition of the European Standard EN 13201-2 & BS 5489-1: 2014. The luminaires used shall be LED type only & shall be approved for use on the Triple E Register operated by SEAI. The lighting scheme shall incorporate a trimming & dimming regime to 75% of light output between the hours 12:00 midnight & 6am to match UMR approved Burn Profile.

(iv) The overall developer shall be responsible for the operating and maintenance costs of the public lighting until such time as the overall estate development is taken in charge by the Planning Authority.

(v) No artificial lighting shall be installed along hedgerows and tree lines surrounding the proposal and all lighting shall be cowed in nature.

REASON: In the interests of road safety and the environment.

10.(i) A Traffic management plan (TMP) shall be submitted prior to development commencement and agreed in advance with area engineers and planning authority which sets out proposed measures and best practice to be implemented during the construction phase of development. The outline TMP should address the following: Site Access and Egress, Traffic Management Signage, Traffic Management Speed Limits, Road Cleaning, Road Condition, Implementation of Traffic Management Plan. It shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

(ii) A road opening license shall be obtained, with support TMP further agreed with Local Area Engineers including all phasing of the works and traffic management measures proposed shall be obtained and granted prior to commencement of development.

REASON: In the interest of proper planning and sustainable development.

11. Prior to commencement of development, the developer shall lodge with the planning authority, a cash deposit amount to be agreed with the Planning authority, a bond of an insurance company, or such other security as may be acceptable to the relevant planning authority, to secure the reinstatement of the public road which may be damaged by the transport of materials to the site, to secure the provision of existing footpaths, drains, open space and other services required in connection with the development coupled with an agreement empowering the relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road.

REASON: To ensure the satisfactory completion of the development.

13. The proposed development shall make provision for the charging of electrical vehicles. Allocation of car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of visitor spaces, shall be provided with electrical charging points by the developer. Details including locations, design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

REASON: In the interest of sustainable transportation.

14.(a) All surface water generated by this development shall be disposed of within the site in accordance with the details submitted with the planning application received by the planning authority and shall not be discharged onto the public road or the adjoining property.

(b) The provisions shall not increase the likelihood of flooding to the development property, the road or adjoining properties.

REASON: In the interests of road safety and proper planning and sustainable development to the area.

15. Prior to commencement of development, the developer shall submit, for the written approval of the planning authority, a detailed construction stage traffic management plan

REASON: In the interest of traffic safety.

16. No development shall commence until such time as the developer has obtained a Connection Agreement from Irish Water for the provision of water services (public mains & public sewer) necessary to enable the proposed development.

REASON: In the interests of the proper planning and sustainable development of the area.

17. 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. All existing over ground cables shall be relocated underground as part of the site development works.

REASON: In the interests of visual and residential amenity.

18. The developer shall ensure that all construction operations are carried out in a manner such that air emissions, dust, odour, litter or other waste/debris do not result in significant impairment of, or significant interference with, amenities and environment beyond the site boundary.

REASON: In the interests of proper planning and sustainable development of the area.

19.(i) All boundary walls facing open spaces shall be finished in local natural stone.

(ii) All internal side and rear boundaries between dwelling houses shall be 1.8 meters in height and shall be constructed of plastered and capped blockwork.

(iii) Concrete panelling or timber panelling boundary treatment is not permitted.

REASON: In the interests of residential amenity and the proper planning and sustainable development of the area.

20. Prior to commencement of development, the developer shall submit full details to the satisfaction of the Planning Authority of a properly constituted management company specific to this permission which shall be solely responsible for maintenance of all services, utilities, access roads, open space and other communal areas.

REASON: To ensure the satisfactory operation, maintenance and upkeep of the services and the development.

21. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

REASON: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

22. A signed copy of the agreed Part V {Planning and Development Act (2000) as amended} for this development, shall be submitted to the planning authority prior to any works commencing on site. The applicant or any other person with a legal interest in the land to which this application relates shall enter into a legally binding agreement with Galway County Council under Section 96 (2) of the Planning and Development Act, 2000 (as amended).

REASON: To ensure compliance with the provisions of Part V of the Planning and Development

23. (a)(i) Prior to works recommencing on site the applicant shall submit a Landscaping Plan received for the written agreement of the Planning Authority. Only native plant and tree species shall be planted.

(ii) Detailed design proposals for play areas and equipment proposed shall be agreed in writing with the planning authority, prior to the commencement of development on site.

(b) (i) All front and rear private garden spaces shall be soiled and seeded prior to the occupation of any dwelling unit within each phase.

(ii) The public open space / communal open space shall be developed for and devoted to public use. Unless otherwise agreed in writing with the planning authority, when the development is being taken in charge, the open spaces shall be vested to the planning authority, at no cost to the planning authority, as public open space.

(c) The establishment of new hedgerow, hedge boundaries and public open space areas shall take place at an advanced or initial stage the proposed development. Such measures shall include a three-year maintenance or aftercare contract for all landscape elements, hedgerow, tree planting and open spaces on an on-going basis. All defects shall be identified and corrected as necessary.

(d) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 23(a) above, and shall be carried out and completed prior to the completion of the development. The completion of landscaping and boundary treatments with respect to each phase of development shall be completed in full post the construction of the relevant phase and prior to the occupation of any units within the following phase.

REASON: To ensure a high quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

24. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

25. 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 for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in 2021.

REASON: In the interest of sustainable waste management.

26. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house

plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

REASON: To provide for the appropriate management of waste and, in particular recyclable

27. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act, 2000 (as amended), that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation and/or affordable housing, including cost rental housing.

REASON: To restrict new housing development to use by persons of a particular class of description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

28. The areas of the development for Taking in Charge shall be agreed in writing with the Taking in Charge Section of Galway County Council, prior to the commencement of development on site.

REASON: In the interest of clarity and in the interest of the proper planning and sustainable development of the area.

29. Standard ABP Bond condition

30. Atandard ABP Development Contirbution condition.

Patrick O'Sullivan

Prepared By Patrick O'Sullivan, Senior Executive Planner on the 6th of May 2025

