



An
Coimisiún
Pleanála

Direction
CD-021681-26
ACP-323066-25

The submissions on this file and the Inspector's report were considered at a meeting held on 08/01/2026.

The Commission decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning
Commissioner:**



Chris McGarry

Date: 08/01/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in

furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Commission had regard to the following:

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Coole-Garyland Complex Special Area of Conservation (Site Code: 000252), the Lough Cutra Special Area of Conservation (Site Code: 000299), the Caherglassaun Turlough Special Area of Conservation (Site Code: 000238), the Carrowbaun, Newhall and Ballylee Turloughs Special Area of Conservation (Site Code: 002293), the Lough Coy Special Area of Conservation (Site Code: 002117), and the East Burren Complex Special Area of Conservation (Site Code: 001926),
- (e) the policies and objectives of the Galway County Development Plan 2022-2028,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and,
- (i) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Coole-Garyland Complex

Special Area of Conservation (Site Code: 000252), the Lough Cutra Special Area of Conservation (Site Code: 000299), the Caherglassaun Turlough Special Area of Conservation (Site Code: 000238), the Carrowbaun, Newhall and Ballylee Turloughs Special Area of Conservation (Site Code: 002293), the Lough Coy Special Area of Conservation (Site Code: 002117), and the East Burren Complex Special Area of Conservation (Site Code: 001926), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Coole-Garyland Complex Special Area of Conservation (Site Code: 000252), the Lough Cutra Special Area of Conservation (Site Code: 000299), the Caherglassaun Turlough Special Area of Conservation (Site Code: 000238), the Carrowbaun, Newhall and Ballylee Turloughs Special Area of Conservation (Site Code: 002293), the Lough Coy Special Area of Conservation (Site Code: 002117), and the East Burren Complex Special Area of Conservation (Site Code: 001926), in view of the Sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Environmental Impact Assessment Screening

The Commission completed an Environmental Impact Assessment Screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies and describes adequately the effects of the proposed development on the environment and the screening determination as set out by the inspector.

Having regard to, the nature and scale of the proposed, which is below relevant thresholds, the location of the site on zoned lands within the town of Gort, and other relevant policies and objectives of the Galway County Development Plan 2022-2028 and the Gort Local Area Plan 2025-2031, the pattern of existing and permitted development in the area, the nature of the proposed development which comprises public realm and associated parking, road carriageway and pedestrian works, the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of

property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would provide for public realm and associated works which would be in accordance with the relevant provisions of national, regional and local statutory policy and guidance and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interests of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - (a) all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment,
 - (b) location and extent of silt fencing to be installed on site, and
 - (c) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and the European Site.

5. The following nature conservation requirements shall be complied with:
 - (a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - (b) No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of

the Ecological Clerk of Works. Such approval shall be placed on the public file.

(c) A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

6. The local authority shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. specify, as appropriate, following consultation with the local authority archaeologist or the National Monument Service. Prior to the commencement of such works the archaeologist shall consult with and forward to the local authority archaeologist or the National Monument Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the local authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The local authority shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified, following consultation with the National Monuments Service, shall be complied with by the local authority. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the local authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All

resulting and associated archaeological costs shall be borne by the local authority.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

7. The local authority, and any agent acting on its behalf, shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

Note: The Commission noted condition no.2 as recommended by the inspector, which referred to the omission of public benches to the front of the M. Barry Flour Meal and Provision Building. The Commission examined the totality of the drawing and related material presented by the applicant in respect of this part of the subject site, the submission of Mr. James Ricks and the assessment as set out by the inspector. It was determined that the removal of these benches would not be warranted, as the Commission concluded that they would serve a valuable purpose as part of the overall public realm, would not of themselves present any visual impact to adjoining properties and considered that the reasonable concerns of the observer regarding additional footpath would not be possible in any case due to limitations on allocating any further footpath space at this location due to the requirements of the adjoining public carriageway. The Commission also noted that the benches are in effect at and within the space encompassing a new planting area, which is also considered a valuable and positive addition to the public realm at this location and no effective space would be released even if the benches were to be removed. In reaching this conclusion the Commission noted that the recommendation of the inspector on this issue was focused on visual amenity.