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**Planning and Development Act 2000, as amended**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 25/61658**

**APPEAL** by Jonathan and Evan O'Rourke against the decision made on the 14<sup>th</sup> day of January, 2026 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of (a) two number three-bedroom dwelling houses, (b) proposed landscaping and car parking, (c) connection to existing services and (d) all associated site services at Fortlands Meadows, Gorteenapheebera, Loughrea, County Galway.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## Reasons and Considerations


Having regard to the appeal and submissions on file, the provisions of the Galway County Development Plan 2023-2029, the Loughrea Local Area Plan (LAP) 2024-2030, and the planning history of the subject site, including the conditions attaching to planning permission reference 99/185 (modified under planning register reference number 99/3075), it is considered that the subject site forms part of an area identified as open space to serve an existing residential estate, and the site was conditioned to be open space associated with the previously permitted development. The Commission, therefore, considered that to permit the proposed development, would contravene a previous planning permission on the lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

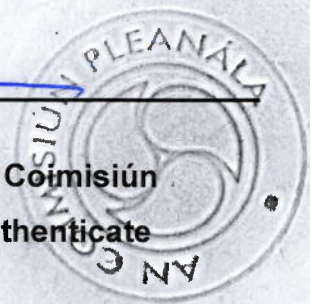
The Commission noted that before the adoption of the Loughrea LAP 2024 2030, the subject site was zoned 'Open Space/Recreation and Amenity' with an objective "To protect and enhance existing open space and provide recreational and amenity space" and that residential development within that zoning was 'not normally permitted'. The Commission also noted that under the Loughrea LAP 2024 2030, the current zoning of the subject site is "Residential Infill", where 'residential' development is permitted in principle, whereas the remaining public open space area to the south-east side of the existing Fortlands Meadows estate, retains its zoning for 'Open Space/ Recreation and Amenity'. The Commission did not consider itself to be fettered by the conditions attaching to planning permission granted under planning register reference number 99/185 (modified under planning register reference number 99/3075) but having considered the totality of the information on file including condition number 1(a) of planning permission reference 99/185, the Commission disagreed with the inspector that the proposal would not specifically contravene the conditions attached to the previous planning permission on the lands. Neither did the Commission share the opinion of the

Inspector that the zoning of the subject site under the Loughrea LAP 2024-2030, constitutes a material change that would impact on the conditions of the previous planning permission.

Notwithstanding the above, the Commission agreed with the inspector that the proposed infill development would give rise to a public open space arrangement within the existing Fortlands Meadows estate, that would be both quantitatively and qualitatively deficient and contrary to the requirements of DM Standard 2: Multiple Housing Schemes (Urban Areas) of the Galway County Development Plan 2022-2028, and would also be contrary to Policy and Objective 5.1 of The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (2024) and Section 4.9.3 (Public Open Space and Landscape Design) of the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007). The Commission noted that the existing estate (with which the open space previously conditioned was associated) is zoned "Residential Existing" with the objective "To protect and improve the residential amenities of existing residential areas" and agreed with the inspector that the proposal would seriously injure the residential amenities of the area.

The Commission also noted that the subject site adjoins a development which has not been taken in charge, and the site appears to be landlocked, with no details submitted regarding the proposed access. Although ordinarily this might warrant further consideration and a request for further information, in this instance given the substantive reason for refusal as outlined above, it was decided not to pursue these matters under the current appeal.

  
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**MaryRose McGovern**  
**Planning Commissioner of An Coimisiún**  
**Pleanála duly authorised to authenticate**  
**the seal of the Commission.**



Dated this *11<sup>th</sup>* day of *June* 2026