



An
Coimisiún
Pleanála

Inspector's Report

ACP-323146-25

Development

For alterations and new a mezzanine floor to existing Building A and a change of use from a theatre as granted by An Bord Pleanála, Ref. PL07.236398 to an art studio. Planning permission for Building B which will consist of a new two-storey building with a single bedroom studio, plant room and store. For completion of an existing structure, Building C, as granted by An Bord Pleanála, Ref. PL07.236398. Revised proposal to Building C to consist of a two bedroom studio apartment at ground floor level and a one bedroom artist studio, living & work space at first floor level & all associated site works at Letterfrack. The site is located within the curtilage of a RPS. Gross floor space of proposed works: 386.70 sqm.

Location

Letterfrack, Co. Galway.

Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	246089.
Applicant(s)	Hardy Langer.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Angela Williams Christine Fitzgerald..
Observer(s)	None.
Date of Site Inspection	18 th October 2025.
Inspector	Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of c.0.051ha is situated within the village of Letterfrack, Co Galway. Letterfrack is located within Connemara approximately c.95km to the northwest of Galway City Centre and c.14.4km to the north-east of Clifden.
- 1.2. The subject site currently comprises of 2 no. part constructed dilapidated buildings. The site is located within the grounds of the former Letterfrack industrial school (RPS 544) and is now owned by the Galway and Roscommon Education and Training Board which was formerly known as the Galway Mayo Institute of Technology. The college comprises a series of buildings located around three sides of a green open space including the main 2-storey former industrial school, there are two terraces of single storey cottages (Ellis Cottages/workshops) located to the rear of the main buildings with a small church and courthouse located on elevated ground to the rear east.
- 1.3. The site is bound to the north and east by a local road, the L11030, which is located at a much higher level than the site. The southern boundary of the subject site is shared with the grounds associated with St. Josephs Catholic Church which is a Protected Structure (RPS 546). IN addition, the site is bounded to the north-west and west with the rear private amenity space serving Ellis Cottage/workshops. The site is accessed off the main N59 Galway to Westport Road which runs through the village to the west and off a local road, the L11030, to the east.

2.0 Proposed Development

- 2.1. This is an application seeking permission as per the statutory notices for the following works on site:
 - Alterations and the provision of a new mezzanine floor to existing Building A and a change of use from a theatre as granted by An Bord Pleanála, Ref. PL07.236398 to an art studio.
 - Building B will consist of a new two-storey building with a single bedroom studio, plant room and store.
 - Completion of an existing structure, Building C, as granted by An Bord Pleanála, Ref. PL07.236398.

- Revised proposal to Building C to consist of a two no. one bedroom studio apartment at ground floor level and a one bedroom artist studio, living & work space at first floor level.

2.2. I note that the design of the proposal remained unchanged through the planning process.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following a request for further information, the Planning Authority issued a decision to grant planning permission on the 2nd of July 2025 subject to 12 no. conditions. Conditions of note are as follows:

- **Condition no. 3**

The exact uses and hours of operation of the art studio/exhibition space (and mezzanine level) building shall be agreed in writing with the planning authority prior to the commencement of any activities therein.

REASON: In the interests of orderly development and residential amenity

- **Condition no. 5**

Prior to the commencement of development, the applicant shall submit the following details for the consideration and written approval of the Planning Authority consisting of the following:

(a) Revised layout omitting for the pedestrian access to the L-11030,

(b) Revised proposed east/contiguous elevation and west/contiguous elevation (of drawing no. 102 received on the 10th of June 2025) providing for infill boundary arrangement for the purposes of eliminating pedestrian accessibility to the L11030,

(c) The finishing material to be afforded to the new boundary.

The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of orderly development and public safety.

- **Condition no. 6**

Prior to the commencement of development, the applicant shall submit the following details for the consideration and written approval of the Planning Authority consisting of the following:

- A revised layout omitting for the 2.1-metre-high timber fence segment from the western corner of the site up to the point whereby it interacts with the central green space on site,

The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of orderly development and pedestrian permeability.

- **Condition no. 7**

(a) The single bedroom studio in building Block B & the student studio spaces at ground floor level in building Block C shall be utilised as ancillary accommodation to the main Arts Exhibition building only and for short term periods associated with the said commercial entity hereby permitted on site.

(b) The temporary occupiers of the single bedroom studio unit in building Block B shall have access to the shared kitchenette facility within the ground floor of the Block C building.

REASON: In the interests of proper planning and orderly development

- **Condition no. 12**

Section 48 Development Contribution of €4,257.00.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The 1st report of the Planning Authority provides details of the site location, the planning history pertaining to the site, details of consultee report and 3rd party submissions received, relevant planning policy, a flood risk assessment and an AA Screening Determination. While reference is made to an EIA Screening the report did not provide for such.

The assessment notes there is no settlement plan or specific land use zonings for Letterfrack but the planning authority consider the principle of residential and commercial use at this location to be acceptable in principle having regard to the planning history (09/1567 & ABP 07.236398) and on account of the setting being considered as an integral plot in the context of the urban fabric of the village.

However, concern was raised over the lack of details provided with regard to the proposed residential units and compliance with the relevant sequential standards, compliance with DMURS and car parking provisions, water supply and wastewater and capacity with the municipal services, the lack of details provided with regard to the impact on the surrounding Protected Structures and the impact block A and block C may have upon the amenities of the adjoining properties. As such, a recommendation to request the following further information was issued:

- Item 1

Provide clarity of intended use and apartment units and provide a comprehensive justification for same relative to the Design Standards for new apartments (2022).

- Item 2

Demonstrate necessary details of proposed development in accordance with “DMURs” whereby the following concerns shall be clarified:

(i) Applicant shall demonstrate in a revised site layout plan, the proposed Pedestrian linkage measures from the development to Letterfrack village.

(ii) Clarify development boundary treatments.

(iii) provide car parking compliance statement in accordance to DM Standard 31.

- Item 3

Submit an Architectural Heritage Impact report.

- Item 4

Submit a complete pre connection enquiry response from Uisce Eiraenn.

- Item 5

- (i) First floor mezzanine and the fenestration arrangement on the front façade of building/block A has potential to adversely impact on the amenity of the existing adjoining properties to the north west of the subject site – Invited to put forward appropriate redesign in this regard for the purposes of remedying this matter.
- (ii) fenestration arrangement at upper level on the western elevation of Building C has potential to adversely impact on the amenity of the existing adjoining properties to the north west - Invited to put forward appropriate redesign in this regard for the purposes of remedying this matter.

The applicant submitted a response to the further information on the 10th June 2025 and can be summarised as follows:

- Item 1
 - (i) Proposed accommodation is for the applicant - an artist's studio at the upper ground floor level with two student rooms on ground level. accommodation is not considered to be separate accommodation but falling under the umbrella of the main dwelling and accommodation block.
 - (ii) One-bedroom student room at is located at the upper ground floor with a plant room and store at lower ground floor (Block B).
 - (iii) An art exhibition space with a mezzanine level is contained within Block C.
 - (iv) applicant's aim is to establish an art centre in Letterfrack, which already has a woodwork college and potters in the immediate area.
- Item 2
 - (i) Proposed development has been designed so as to encourage direct pedestrian linkages through the property as demonstrated on the accompanying drawing package.
 - (ii) Boundary treatments have been detailed on drawing 001 site layout plan which accompanies FI response.
 - (iii) Site is considered an urban infill site and is located within the village centre setting, and no dedicated car parking is envisaged. Bicycle storage will be provided within the storage area adjacent to the plant room, in order to

encourage bicycle usage in favour of a less car dependent society. Similar granted under ABP Ref 236398.

- Item 3

The applicant states that development site is an abandoned development. As a result, the property has been an eyesore and wasteland in an area - development site in question has due to its abandoned status is considered to have a negative effect not just on the adjacent protected structures, but also on the wider environ. Considered that the redevelopment of the site will have no direct or negative effect on the adjacent protected structures and is considered to have a beneficial and enhancing effect on the immediate area.

- Item 4

Confirmation of feasibility for wastewater and water connection to serve the proposal obtained from Irish Water in correspondence dated the 12th March 2025.

- Item 5

Revised drawings furnished including for elevational changes to Block A & C in the interests of safeguarding third party amenity.

The second report of the Planning Officer dated the 2nd July 2025, considers the response provided to be acceptable and recommends that permission be granted subject to 12 no. conditions, in line with the decision issued by the Planning Authority.

3.2.2. Other Technical Reports

- Roads Department: Seeking further information as per Item 2 above. I note the report of the Road Department was included within the assessment section of the Planning Officers report and that no follow up report was submitted. Reference is made by the Planning Officer within their second report to a discussion held with the Roads & Transportation Unit on the 25th June 2025.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 5 no. submissions relating to the proposed development which can be summarised as follows:

- Provides support for the development.
- Concern over the substandard application content.
- Substandard design.
- Over development of the site.
- Nature of the commercial use
- Connection to public utilities – no detail if capacity available.
- Impact on surrounding residential amenity.
- Traffic hazard
- Implications for protected structure – no justification.
- Fire hazard.
- Concern regarding the living accommodation aspects should it be occupied by non-artistic residents.
- Right of way delineation is inaccurate.
- The height of block C is excessive.

4.0 Planning History

PL07.236398 (PA Ref 09/1567) Permission GRANTED for a development consisting of permanent retention of existing partially completed structures, and completion of theatre building and of three two-storey studios at rear of Ellis Studios at the former Letterfrack Industrial School Buildings (a protected structure, ref. 544) and close to Letterfrack Roman Catholic Church (also a protected structure, ref 546); also provision of ancillary space to the existing theatre building including foyer, toilets

and cafe in a two-storey building at the road corner end of the existing theatre comprising a total area of approx. 100sqm and a new rear extension to the theatre consisting of a two-and-a-half-storey building containing backstage storage and green room, comprising a total area of approx. 77sqm and site development works including connection to the new public sewer.

PA Ref 0070225 Permission GRANTED for Conversion at rear of Ellis Studios to theatre and ancillary spaces i.e. toilets foyer and cafe and to extend along existing east wall to create gallery.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

Letterfrack is identified as a rural settlement 7(a), within table 2.12 Settlement Hierarchy of the Core Strategy of the County Development Plan. The description of a rural settlement is provided as being '*Rural encompasses villages and the wider open countryside. There may not be good public transport or regional connections and maybe highly car dependent. The open countryside provides for rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise.*'

There are no specific land use zoning objectives pertaining to rural settlements. Therefore, the proposals will be considered on their individual merits in accordance with the proper planning and sustainable development of the area.

The following are considered to be relevant in the instance of this application:

Chapter 3 – Placemaking, Regeneration and Urban Living

Policy PM 9: Vitality in Towns and Villages

Policy PM 10: Design Quality

Policy PM 11: Details of Materials

Policy PM 12: Permeability

Policy UL 1 Infill Sites

Policy UL 2 Layout and Design

Chapter 4 – Rural Living and Development

Section 4.5.2.1 Serviced Villages

- In the serviced villages it is considered that there is potential for multi-unit development is considered be appropriate with a site-specific design strategy required to guide the development of each plot. Several design elements are required to be considered for the development to fit within the individual village.

Policy RC 1 Sustainable Development in Villages

Policy RC 3 Small Towns and Villages

Policy RC 6 Residential Development Potential of Villages

Policy RD 3: Assimilation of Buildings

Chapter 11 – Community Development and Social Infrastructure

Policy CI 1 Community and Social development in the County.

Policy CWH 1 Co-Working Hubs

Chapter 15 - Development Management Standards

Section 15.1.1 Proper Planning and Sustainable Development

DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements.

Section 15.2.3 Guidelines for Residential in Towns and Villages

DM Standard 3: Apartment Developments

5.2. Natural Heritage Designations

The subject site is not within or immediately adjacent to any Natura 2000 sites. The site is situated:

- c. 174m to the west of the Twelve Bens/Garraun Complex SAC (site code SAC 002031),
- C.1.83km to the east of the Illaunnanoon SPA (Site Code SPA 0042211),
- C.3.884km to the south-east of the Tully Mountain SAC (site code SAC 00330),

- C.4.02km to the south-east of the Tully Lough SAC (site code SAC 02130),
- C.4.23km to the south-east of the West Connacht Coast SAC (site code SAC 002998).

6.0 EIA Screening

- 6.1. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.
- 6.2. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

The Commission received two no. 3rd party appeals against the decision of the Planning Authority to grant permission. The appeals were received from Angela Williams and Christine Fitzgerald, both of whom reside within Ellis Cottages/Workshops situated to the north-west of the subject site. The grounds of each of the appeals received have been set out below:

7.1.1. Christine Fitzgerald

a) Invalid Application

- Planning Authority took the view that the application is a revision/alteration to PA Ref 09/1567 (PL07.236398).
 - This permission expired on the 12th August 2015
 - Current application is a completely new application and Planning Officer failed to undertake due diligence.
- PA Ref 09/1567 (PL07.236398) had a floor area of 345sq.m and a site area of 489 sq.m

- Current application has an increased floor area of 386.7sq.m and 4 no. apartment units.
- Design of block C has changed:
 - ridge height increased by 400mm.
 - roof design changed from gable to mono-pitch.
 - front elevation at ground floor level is 60% glazing.
 - balcony cantilevered at 1st floor level towards rear private amenity space of adjoining dwellings.
- Block B has been added to the development.
- Proposal represents completely different design which will lead to:
 - Increased loss of daylight.
 - Overbearing.
 - De-value of property.
 - Potential noise pollution.
 - has zero regard to adjoining level of amenity.

b) Issues with Plans Submitted

- Information provided is sub-standard and details are missing including:
 - separation distances.
 - No site survey submitted.
 - levels on drawings.
 - No section drawings through the existing structures or proposed.
 - Planning Officer had no idea of separation distances or proximity to residential units.
- Drawing submitted in response to RFI are substandard and do not appear to be to scale:
 - Height of Block C not consistent relative to the existing terrace in the 1st and 3rd contiguous elevation.

- Not possible to determine the overall impact on Ellis Cottages/Workshops.
- Floor plans do not show adjoining buildings (Ellis Cottages/Workshops).
- Site layout plan submitted has no dimensions between existing dwelling and proposed structures and no finished floor levels
- No verified views submitted to demonstrate visual impact.
 - Normal procedure for Planning Authority to request such for residential development in proximity to Protected Structures.
- No shadow analysis submitted
 - Under previous application (PA Ref 09/1567 (PL07.236398)) a shadow analysis was submitted as part of the RFI which rear gardens and windows would be affected from a gable residence,
 - The previous proposal was much less bulky than that subject to this application and lower in height.
 - Block C has an increased ridge level of 400m.
 - Planning Officer failed to consider the more prominent roof profile and didn't seek a shadow analysis.

c) Submission and Consultations

- No where in the Planning Officers report concludes that the original application or the response to further information submitted addresses concerns raised by objectors.
- This is a commercial development and was not referred to the Fire Department of the Local Authority for comment.
 - Further information was substantial:
 - Planning Authority did not allow for further comments/submissions.
 - Planning Authority should have sought clarification of further information.

d) Request for Further Information

- Item 1

- Apartment units – 3 are sub-standard. Stated by applicant that 3 are ancillary to 1st floor accommodation.
- No statement of compliance submitted as requested – response is therefore sub-standard.
- Condition no. 7 attempts to control the use of substandard apartments – not enforceable.
- Residential units could accommodate up to 10 people and could be brought to market.
- Item 2
 - None of the information requested was submitted as part of the response.
 - No agreement in place to allow use of car parking spaces in village area.
 - No defined use of 'Art Building' – events could generate noise pollution, additional traffic congestion and illegal parking.
 - There is limited public transport serving Letterfrack.
- Item 3
 - No Architectural Impact Heritage Assessment was submitted as requested - only a considered opinion was offered.
 - Substandard reply – Planning Authority should have sought clarification.
 - Proposal is completely out of character with the surrounding area having regard to the proximity to a number of protected structures.
- Item 4
 - Uisce Eireann response is a pre-connection review for the provision of 1 no. single connection.
 - Uisce Eireann were not made aware of the scale of the development which is again sub-standard.
- Item 5

- Vertical windows and terrace (balcony) area at first floor of Block C should be omitted.

e) Review of Further Information Replies

- Planning Officer was pre-determined to grant permission in order to have a semi-derelict site completed
 - Assessment not considered to be acceptable.
 - Planning Authority did not fully understand the impact of the development-negligent in failing to seek clarification of further information before granting permission.

f) Planning Conditions

- Condition No. 2 – Surface Water Management
 - Cannot be complied with – no location on site or way to dispose surface water on site.
 - Uisce Eireann did not consider Surface Water.
 - Sewer on the L-11030 does not allow for collection of Surface Water from lower level buildings.
- Condition No. 4 – Uisce Eireann
 - Incorrect information was provided to Uisce Eireann – only confirms connection feasibility for 1 no. residential unit.
- Condition No. 5 – Access arrangement to be agreed.
 - Substandard as condition does not reflect comments of Planning Officer which requires applicant to utilise access arrangements as per PA Ref 09/1567 (PL07.236398).
- Condition No. 6 – Boundary Treatment
 - Omission of fence will only exasperate impact on neighbouring property – will de-value property and loss of residential amenity.
- Condition No. 7 – Restricting residential use

- No logic as applicant failed to address this issue under the request for further information.

g) Concluding comments

- Application and decision are sorely lacking in consideration, clarity and detail.
- Description and usage proposed have changed through the application process:
 - Art studio relabelled as exhibition space on further information documents.
- Planning Authority requested very significant information be provided both at further information stage and via conditions.
 - Concerned parties were not given an opportunity to respond.
 - Information subject to conditions should have been requested via clarification of further information.
- Planning Authority granted permission based on ABP decision 236398
 - Failed to consider the differences between the 2 no. applications.
 - Lacks due-diligence and proper procedure.
 - Constitutes extremely poor planning and displays disregard to concerns raised by 3rd parties.
 - Represents a grant of permission regardless of impact or consequences.

Request permission be refused.

The appeal was accompanied by a copy of the original objection submitted to the Planning Authority which reflects the comments set out above and a copy of the Uisce Eireann correspondence submitted by the applicant.

7.1.2. **Angela Williams**

1. Access

- Decision has changed access proposed to serve development.
- Planning Authority decision gives lack of clarity regarding proposed access.

- Understand main access to be to the rear of private property at the right of way as indicated A-B on plans submitted.
- Access being 4ft from private amenity space – not considered safe or secure and will not protect current level of amenities.
- Not an adequate solution – unknown the number of people or the times when it will be utilised.
- Planning Authority requested applicant to make specific changes to the layout through a request for further information and make further change via conditions, but amendments are not available for members of the public to make comments on:
 - Access arrangements are too substantial to be dealt with retrospectively.
 - Permission should not have been granted without clarity.

2. Water Supply

- Uisce Eireann supports development of a single domestic unit.
- Development as proposed provides for 4 no. residential units:
 - The submission to Uisce Eireann was a disingenuous effort to try appease the Planning Authority.
- No guarantee the proposal will not impact upon the water supply to existing residents in the area -unacceptable and substandard.

3. Architectural Heritage Impact Statement

- No AHIA submitted even after the Planning Authority requested it - unacceptable and substandard.
- Previous development was re-designed to ensure sensitivity to surrounding area.
- Height of Block C at 7m will dwarf the terrace of protected cottages.
- Ground level of the cottages substantially lower than the road.

4. Discrepancies

- Drawing FI 102 indicates a discrepancy in the height of Block C:
 - Contiguous elevation from the road of Block C is not showing the proposed new roof profile through the section correctly.
 - Gives the illusion that the proposed revised roof line is the same height as the terrace of cottages.
- Proposed west elevation/contiguous elevation A, B, C is ambiguous.
 - Lacking in dimensions (as with all drawings submitted) and does not provide enough information.
 - No distances to boundaries.

5. Boundary Treatment

- Common boundary also serves rear garden of Ellis Terrace.
- Revised treatment requested via condition:
 - Should not be decided without input from residents of Ellis Terrace.
 - Solid 2.1m timber fence would be intrusive and 4ft from garden.

6. Conclusion

- Planning Authority have requested numerous planning and structural changes via condition which have not been assessed in the hope that the applicant will do as instructed –
 - Considered to be highly irregular.
 - Access is one such issue and considered it vitally important to resolve prior to development being permitted.
- Multiple residents used on a short term tenants would not make for a harmonious neighbourhood.
- What is the justification for the density proposed.

The appeal was accompanied by a copy of the original objection submitted to the Planning Authority which reflects the comments set out above and a copy of the Uisce Eireann correspondence submitted by the applicant.

7.2. Applicant Response

A response to the 2 no. 3rd party appeals was received from the applicant on the 22nd August 2025 and can be summarised as follows:

- Proposed accommodation is to serve applicant:
 - Units at ground floor will be utilised by visiting art students.
 - All accommodation is considered to be ancillary space to Art Studio and no considered to be separate.
 - Falls under student accommodation.
- Development was started some 30 years ago but never completed.
 - Property has been an eyesore.
 - ABP granted permission for similar under 236398.
- Proposed design assessed by the Planning Authority on its own merits.
 - Not considered to be an alteration to previously permitted scheme as suggested by 3rd parties.
- Designed to provide controlled pedestrian access through the subject site with access-controlled gate.
 - Does not encroach/restrict/impede upon any existing right of way.
 - Bicycle storage will be provided.
- Proposed dwelling is of a scale and separation distances have ensured no overshadowing will occur.
 - South-facing windows been designed to ensure no overlooking will occur.
- Re-development will have no direct or negative impact on adjacent Protected Structures and considered to have a beneficial and enhancing effect on the immediate area.

7.3. **Planning Authority Response**

None received.

7.4. **Observations**

None received.

8.0 **Assessment**

8.1. **Introduction**

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Amenity of Future Occupants.
- Impact on Surrounding Residential Amenity.
- Impact on Protected Structure.
- Statutory Description of development.
- Access Arrangements.
- Other issues.

8.2. **Residential Amenity of Future Occupants.**

- 8.2.1. The applicant is seeking permission for 4 no. studio apartment units which are proposed to be provided within two no. buildings. The Planning Officer requested, under a request for further information, that the applicant provide clarification as to the purpose of the accommodation that is proposed to be provided and also to provide a comprehensive justification for same relative to the Design Standards for new apartments (2022). The applicant in response to this request stated that the accommodation is for the applicant, Mr Hardy Langer, i.e. an artist's studio at the upper ground floor level with two student rooms on ground level and that the accommodation

is not considered to be separate accommodation but falling under the umbrella of the main. There was no schedule of accommodation submitted.

- 8.2.2. In assessment of the further information received the Planning Officer stated that the use of the single bedroom studio and student accommodation at ground floor level in building Block C shall be conditioned to be ancillary accommodation. Condition no. 7 was included within the grant of permission which restricted the use of the single bedroom studio in building Block B & the student studio spaces at ground floor level in building Block C to be utilised as ancillary accommodation to the main Arts Exhibition building only and for short term periods associated with the said commercial entity hereby permitted on site.
- 8.2.3. The appellants have raised concerns over the inclusion of condition no. 7 and consider that it is not enforceable. It is contended that the apartments could be utilised for short term leasing or brought to the market for private sale.
- 8.2.4. The applicant within the response to the 3rd party appellants stated that the units at ground floor of block C will be utilised by visiting art students and as such all accommodation is considered to be ancillary space to the Art Studio and not considered to be separate. It is further stated that the accommodation proposed falls under student accommodation.
- 8.2.5. The applicant, within the statutory notice associated with the application, did not seek permission for student accommodation and as such I consider that standards set out within the Apartment Design Guidelines must be complied with. While I understand the intention of Condition no.7, I accept the concerns raised by the appellants and do not accept it to be enforceable. Furthermore, on review of the Galway County Development Plan 2022-2028 I note that there is no provision for student accommodation akin to what the applicant is describing.
- 8.2.6. DM Standard 3 of the Galway County Development Plan 2022-2028 requires that the design of apartment type development should be guided by the Design Standards for New Apartments - Guidelines for Planning Authorities (2018) (or as updated/superseded) in relation to all issues in relation to apartment development. In the interest of clarity, I note that this application was lodged with the Planning Authority on the 19th of July 2024 and as such the Design Standards for New Apartments, July

2023, should have been the document the Planning Authority assessed the plans against.

- 8.2.7. Specific Planning Policy 3 of the apartment guidelines sets out that the minimum floor area for studio apartment as 37sq.m while Appendix 1 of the design standards, 2023 sets out the remaining required Minimum Floor Areas and Standards for studio apartments.
- 8.2.8. When considering the 2 no. apartment units proposed within block C, which are provided with a shared kitchen area, with a slight modification to the proposed floor plan which would see the shared kitchen split in two, the 2 no. units would comply with the sequential standards in terms of overall floor area, aggregated living and bedroom area, room widths and storage area. However, they have not provided with any private amenity space. Appendix 1 clearly indicates the requirement of 4sq.m private amenity space is required to serve studio apartments. As such, they would fail to comply with the requirements of Appendix 1.
- 8.2.9. The studio situated at 1st floor in block C is in excess of the minimum floor area as prescribed by SPPR 3 and is provided with adequate private amenity space. However, the bedroom falls c.800mm below the minimum requirement. The unit proposed in block B falls short on all the requirements of Appendix 1 and SPPR 3. Furthermore, the plans submitted makes no reference to the provision of any communal open space to serve the units. In respect of the 4 no. proposed studio units, the applicant would be required to provide for 16sq.m of communal space. This may be accommodated on the western section of the site but plans submitted have failed to reference such.
- 8.2.10. Overall, I do not consider that the residential units as proposed will provide for an adequate level of residential amenity for any future potential residents as they have failed to comply with the requirements of SPPR 3 and Appendix 1 of Design Standards for New Apartments, July 2023 and would therefore be contrary to the requirements of DM Standard 3 of the Galway County Development Plan 2022-2028. I therefore recommend that permission be therefore refused.

8.3. Impact on Surrounding Residential Amenity.

- 8.3.1. The 3rd Party appellants contend that the proposed development will give rise to a significant negative impact upon the current level of residential amenity enjoyed at this

location in terms of overlooking, overshadowing and overbearance. It is argued that the plans submitted by the applicant as part of the application and the response to further information are significantly lacking in detail and do not provide for the separation distance from the proposed structure to the boundary of the site. It is further asserted that the Planning Officer was not facilitated with details of the separation distances or proximity of the proposal to the existing residential units when undertaking their assessment.

8.3.2. The applicant in response states that the proposed dwelling is of a scale and separation distances which have ensured no overshadowing will occur and that the south-facing windows have been designed to ensure no overlooking will occur.

8.3.3. I note that Article 23(1)(f) of the Planning and Development Regulations 2001 (as amended) states that '*plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site*'. The site layout plan submitted as part of the application only provided for the separation distance of Block A to the western and south-western boundary of the site. This was the same on the site layout plan submitted in response to the further information.

8.3.4. With regard to overshadowing, having regard to the orientation of the subject site relative to the path of the sun, I consider that while there may be some level of overshadowing in the early morning, for the majority of the day the shadow cast from the proposed development will be upon the adjoining Church grounds and the road located to the east.

8.3.5. I note that the appellant to this appeal considered that the Planning Officer should have sought a shadow analysis of the proposed development to be submitted. A shadow analysis is not a statutory requirement and in this instance, I do not accept that it should have been requested to be submitted having regard to section 8.3.4 of my report above.

8.3.6. With regard to overlooking, from utilising the measuring tools available to me on Adobe Acrobat, I calculated that at its closest point Block C has been set c.1.23m from the western boundary of the site and approximately c.11.69m from the rear elevation of no.2 Ellis Cottages and c.9.16m from the rear elevation of no. 1 Ellis Cottage. The

proposed balcony at 1st floor level of block C has also been set c.1.45m from the western boundary of the site. The western boundary of the appeal site is shared with the private amenity space serving the terrace of Ellis Cottages/workshops.

- 8.3.7. Section 15.2.3 of the Galway County Development Plan 2022-2028 sets out guidelines for residential development within Towns and Villages. Under the heading of overshadowing, the Development Plan notes that *‘in general, there should be a distance of 22 m between opposing first floor windows’*. However, SPPR 1 of the Sustainable Residential Development and Compact Guidelines for Planning Authorities states *‘when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.’*
- 8.3.8. The dwellings situated to the north-west of the appeal site are single storey in nature. However, I note that no. 2 Ellis Cottages/Workshops is severed with a window at second floor level on a return section of the dwelling which projects from the rear elevation of the dwelling. The windows serving the first-floor art studio of Block C are provided as high level. The terrace area is orientated in a manner that it looks directly to the south-west. Plans submitted in response to the further information request (drawing no. 103 Proposed West Elevation/Contiguous Elevation/Section D Block A, B &C) indicate the provision of c.1.8m obscure glazed privacy screen to serve the balcony area. I do consider that the reliance on a privacy screen and the use of high-level windows along the western elevation of block A and block C are an indication of overdevelopment of the subject site.
- 8.3.9. While I do accept that the provision of the privacy screen will mitigate against issues of direct overlooking, having regard to the proximity of Block C to the common boundary which is shared with the private amenity space serving Ellis Cottages/Workshops, I consider that the proposed development would not accord the requirements of SPPR1 of the Compact Guidelines, 2024 and will give rise to issues of perceived overlooking and overbearance upon not only upon the private amenity space serving Ellis Cottages/Workshops but also the dwellings themselves.
- 8.3.10. Therefore, in conclusion to permit the proposed development having regard to the proximity of the proposed development to the common boundary and the rear

elevation of no. 2 Ellis Cottages/Workshop it would not accord with the requirements of SPPR 1 of the Sustainable Compact Guidelines, 2024 and would give rise to a significant negative impact upon the current level of residential amenity enjoyed at this location in terms of overlooking and overbearance. I recommend that permission be refused.

8.4. Impact on Protected Structure.

- 8.4.1. The subject site is situated within the curtilage of the Letterfrack Industrial School which is a Protected Structure (RPS 544) and immediately proximate to the Letterfrack Roman Catholic Church which is also a Protected Structure (RPS 546). Part of the Letterfrack Industrial School comprises of the terrace of 5 cottages (Ellis Cottages/Workshops) which are situated on the western boundary of the subject site. The Letterfrack Industrial School and associated cottages are also included on the National Inventory of Architectural Heritage of Ireland (NIAH) (reg no. 30329006 and reg no 30329005). The Letterfrack Catholic Church, situated immediately east of the subject site, is also included on the NIAH of Ireland.
- 8.4.2. The applicant as part of the request for further information was requested to submit an Architectural Heritage Impact Assessment (AHIA) for the proposed development having regard to the proximity of the site to the adjoining Protected Structures. The applicant in response stated that the development site is an abandoned development and as a result the property has been an eyesore and wasteland in an area and that the redevelopment of the site as currently proposed will have no direct or negative effect on the adjacent protected structures. The statement concluded that it was considered that the proposal would have a beneficial and enhancing effect on the immediate area. No AHIA was submitted.
- 8.4.3. Appellants to this appeal have raised concerns over the lack of AHIA submitted and considered the response to be sub-standard and further state that the proposal is completely out of character with the surrounding area having regard to the proximity to a number of protected structures.
- 8.4.4. I accept that the application site shares both its western and eastern boundary of the site with Protected Structures and a consideration of the impact the proposed development will have upon them requires consideration. Permission previously

granted on site included for the use of external materials including natural stone, plain cast render, timber windows and natural slates which were considered acceptable and would not detract from the character and setting of the nearby Protected Structures.

- 8.4.5. The scheme proposed under this application is proposing to utilise a metal cladding on the upper floors with a plaster finish at the lower levels on the 3 buildings proposed. The roof profile of Block A has been amended removing the existing pitched roof profile and is now proposed to be replaced with a mono pitch roof profile which is finished with a ridge level of c.6.7m when read from the internal elevation to the site.
- 8.4.6. There is a sharp drop in site level between the appeal site and the church car park to the north and as such the roof profile of Block A is visible from the Catholic Church (RPS 546). This elevation again is treated entirely with Metal Cladding, which would be a significant deviation from the traditional material finishes utilised within the immediate vicinity of the site.
- 8.4.7. I consider given the lack of Architectural Heritage Impact Assessment submitted, as requested by the Planning Authority, the applicant has not provided an adequate justification for the deviation in traditional building form as utilised with the immediate vicinity of the site and I cannot therefore determine if the proposed development will negatively impact upon the surrounding Protected Structures. While I note that the site in its current form may represent an eyesore given its dilapidated form, I consider that the applicant needs to clearly demonstrate that the proposed development will not give rise to a negative visual impact or detract from the Letterfrack Industrial School (RPS 544) or the Letterfrack Roman Catholic Church (RPS 546).
- 8.4.8. Having regard to the substantive nature of the reasons for refusal set out under section 8.2 and 8.3 of my report above, I do not consider that this issue is required to be included as an additional reason for refusal. However, in the event that the Commission are minded to grant permission, they may consider it appropriate to request that the applicant be requested to submit an Architectural Heritage Impact Assessment prepared by a suitably qualified person to demonstrate how the proposed scheme would appropriately be accommodated on site without impacting upon the surrounding Protected Structures.

8.5. Statutory Description of Development

- 8.5.1. Appellants to this appeal have raised concern that the application as submitted should have been invalidated. It is contended that the Planning Authority took the opinion that the application is a revision/alteration to PA Ref 09/1567 (PL07.236398). Permission granted under PL07.236398 expired on the 12th August 2015. It is argued that the current application is a completely new application and that Planning Officer failed to undertake due diligence to this extent.
- 8.5.2. The applicant in response states that the proposed design was assessed on its own merits and was not considered to be an alteration to the previously permitted scheme as suggested by 3rd parties.
- 8.5.3. Having reviewed the assessment undertaken by the Planning Officer I consider that the assessment did not consider this application as amendment to the previous permitted scheme but rather as a new development. However, I am of the opinion that the statutory description of development is misleading and incorrect for the works required to be undertaken.
- 8.5.4. Permission was granted by An Bord Pleanála (now the Commission) under PL07.236398 for the retention of completed structures on site which include a theatre, and 3 no. two storey artist studios and ancillary works, provision of ancillary space to theatre building in a 2-storey structure including a foyer, toilet and café, extension to theatre building comprising a 2.5 storey building to provide for a back stage storage and green room and site development works. There is no evidence on file or available to me to demonstrate that this application was instigated.
- 8.5.5. From undertaking a site visit I note that there are 2 no. partially constructed buildings situated on site which do not seem to benefit from permission and were subject to a retention permission under the previously granted permission. The Planning Officer also made reference to these structures under the site description section of their assessment. While I note that permission was sought for the completion of an existing structure, Building C, retention of the works undertaken to date was not sought.
- 8.5.6. I therefore consider that the statutory notice associated with this application should have sought permission for the retention and completion of the existing structures on site together with the additional works proposed in order to regularise the partially constructed buildings on site. It is further unclear to me as to why the statutory notice

associated with this application made reference to PL07.236398 as that permission was never instigated and expired in 2015.

- 8.5.7. In the event that the Commission were minded to grant permission for the works described, I consider revised statutory notices should be sought in order to regularise the works which have been undertaken to date and seek permission for works proposed.

8.6. Access Arrangement

- 8.6.1. Condition no. 5 of the grant of permission requires the applicant to amend the access arrangements proposed to serve the development. This required the omission of the pedestrian access located between blocks B and C which provides access on to the L-11030 and to provide for an infill boundary arrangement at this point.
- 8.6.2. Appellants to this appeal considers that this condition does not reflect the comments made by the Planning Officer and that the access arrangements are too much of a substantial part of the development to be dealt with by way of condition and would not allow 3rd parties affected by such to make comment. It is the understanding of the appellants that access is now to be provided to the rear of private property at the right of way as indicated A-B on plans submitted.
- 8.6.3. The Planning Officer in their assessment of the further information submitted states that *'in the absence of sufficient mechanisms being presented at further information stage in respect to pedestrian tie in along the L11030 the planning authority/roads section is not favourably disposed towards facilitating for the pedestrian access as put forward. Conversely the applicant shall be obliged to utilize the arrangement put forward under file reference 09/1567.'*
- 8.6.4. I accept the concerns raised by the appellants and note that the comments made by the Planning Officer were not carried through to the conditions attached to the grant of permission. Furthermore, given that the access proposed under PA Ref 09/1567 (PL07.236398) was situated to the west of Block A and outside of the red line boundary associated with the subject application, I do not consider it would be feasible without a letter of consent from the adjoining landowner.
- 8.6.5. Condition no. 6 of the grant of permission further requires the applicant to omit the proposed 2.1 metre high timber fence segment from the western corner of the site up

to the point whereby it interacts with the central green space on site. This was not discussed within the assessment of the Planning Officer but having regard to the reasoning associated with this condition which states 'pedestrian permeability', I consider that the omission of the boundary treatment would allow for a connection to the proposed development from the front of Ellis Cottages/Workshops to the site via an established pedestrian walkway located between no. 5 Ellis Cottages/Workshops and the educational and training centre associated with the Galway and Roscommon Further Education Board.

- 8.6.6. However, notwithstanding my comments above I consider given the comments made by the Planning Officer within their assessment and the fragmented requirements of condition no. 5 and condition no. 6 of the grant of permission issued, it would remain unclear to me how it is intended to access the subject site. In the event that the Commission were minded to grant permission a revised condition would need to be included which was more precise and clear in terms of the access arrangements.

8.7. Other Issues

8.7.1. Uisce Éireann – CoF

The applicant is proposing to service the proposed development via a connection to the municipal services within the Village of Letterfrack which are under the control of Uisce Éireann. As part of the request for further information the applicant was required to submit a pre-connection enquiry response from Uisce Éireann to determine that there was capacity within the network to facilitate the development.

The appellants to this appeal have raised concern over the response received and submitted by the applicant as it only relates to a connection for a development of a single domestic unit and the proposed development is seeking to provide for 4 no. residential units. A further concern was raised by a 3rd party appellant over the impact the proposal may have upon the current water supply in the immediate vicinity of the site.

While I accept that the confirmation of feasibility submitted is inaccurate in terms of the unit number detailed, from a review of the Wastewater Capacity Register [Galway | Wastewater Treatment Capacity Register | Uisce Éireann \(formerly Irish Water\)](#) on

the 17th October 2025, it appears that there is spare capacity for the Letterfrack Wastewater treatment plant to accommodate the proposed development.

Furthermore, with regard to water supply from a review of the Water Supply Capacity Register [Galway | Water Supply Capacity Register | Uisce Éireann \(formerly Irish Water\)](#) on the 17th October 2025, I note that there appears to be also spare capacity.

Therefore, while I do accept that the confirmation of feasibility submitted is misleading in that it does not refer to the correct amount of units, given that there is capacity in the wider network and that the applicant would be subject to engaging with Uisce Eiran to obtain a final connection for the proposed development, which would be a condition of permission, I consider that this issue can be overcome.

Concern was also raised over the surface water and that Uisce Eireann did not consider this. I note that management of surface water does not come within the remit of Uisce Eireann and is the responsibility of the Local Authority, in this instance Galway County Council. The site layout plan (dwg no. FI 104) indicates that it is proposed to connect to the surface water drain which is situated to the east of the site and runs along the L 11030.

Condition no. 2 of the grant of permission relates to surface water discharge and in the event the Commission are minded to grant permission, I consider that the Commission's standard condition be included.

8.7.2. Boundary Treatment

Concern has been raised over the proposed use of a 2.1m timber fence in close proximity to the private rear amenity space serving existing residential units. It is contended that this would be intrusive. Furthermore, concern is raised over the boundary treatment being agreed by way of condition without any input from the surrounding residents. It is further contended that the omission of the boundary treatment via condition no. 6 will de-value properties in the vicinity.

In the instance of clarity, I note that concerns raised seem to be slightly conflicting in that on one hand it is considered that the boundary treatment proposed is overbearing and on the other, on foot of condition 6 which omits the boundary treatment for a period, will de-value property. I will deal with both of these issues below.

The boundary provided along the west boundary of the site is indicated on the amended site layout plan (dwg. No. 104) as being a 2.1m high solid timber fence which is to be situated between the existing houses and proposed development. An image of the boundary treatment is also presented on dwg. No. 103.

Condition no. 6 omitted this boundary at the western corner of the site where it meets the pedestrian access, as discussed under section 8.6.5 of my report above. I note that with regard to the concern over the impact the proposal will have in terms of property devaluation, no evidence has been submitted to support this statement.

I consider that the proposed boundary treatment will go somewhat to protect the privacy of the amenity area serving the Ellis Cottages, however the inclusion of such would not overcome the concerns I have discussed within section 8.3 of my report relating to impacts of overlooking.

8.7.3. Procedural Issues

The appellants to this appeal have raised concern over the plans submitted as part of the planning application and also the further information submitted. It is contended that the plans submitted do not provide separation distances, spot levels and no section drawings through existing buildings in the vicinity of the site. It is further argued that the height of Block C is not consistent on the plans submitted as part of the further information response. In addition, no verified views have been submitted to demonstrate visual impact of the proposal, and no shadow analysis was provided.

Article 22 and 23 of the Planning and Development Regulations, 2001 (as amended) prescribes the general contents of drawings which are required to be submitted as part of any planning application. It is the role of the Planning Authority to ensure that plans and particulars submitted accord with the requirements of Article 22 and 23 of the Regulations through their validation process. In this instance I accept that the appellant is correct in that the separation distance have not been included on the proposed site layout plan. However, the plans submitted do provide for spot levels as required.

Overall, while I accept the concerns raised, I am satisfied that the Planning Officer was provided with adequate information and documentation to undertake a robust assessment of the application before them.

The appellants have further contended that they were not afforded an opportunity to provide comments on the further information submitted to the Planning Authority by the applicant. I note that the Planning Authority did not deem the further information to be significant and therefore no further submissions from members of the public were required in line with Article 34 of the Planning and Development Regulations 2001 (as amended). I accept that the further information submitted was not significant in nature and as such the Planning Authority did not need to afford members of the public further opportunity to submit comments.

9.0 AA Screening

9.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Twelve Bens/Garraun Complex SAC, the Illaunnanoon SPA, the Tully Mountain SAC, the Tully Lough SAC, or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion

10.0 Water Framework Directive

10.1. The subject site is located within village of Letterfrack, Co. Galway. The proposed development comprises of 4 no. studio apartments and 2 no. art studios. The proposal is provided within 3 no. buildings which are two storeys in height and all associated site

works. No water deterioration concerns were raised in the planning appeal. The Traheen river flows approximate c.796m to the south of the subject site.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

I recommend that the Commission overturn the decision of Galway County Council and refuse planning permission for the reasons set out below.

12.0 Reasons and Considerations

1. Having regard to the development which is seeking permission for the provision of 4 no. studio apartments and the lack of private amenity space, the substandard provision of facilities and lack of amenities for future potential occupants it is considered that the development has failed to provide for a satisfactory standard of residential amenity, fails to comply with the general development standards and guidelines for residential development as set out in Appendix 1 of the Design Standards for Apartments, Guidelines for

Apartment Guidelines for Planning Authorities, 2023 and DM Standard 3 of the Galway City Development Plan 2022-2028. To permit the proposed development would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the to the proximity of the proposed development to the common boundary and the rear elevation of no. 2 Ellis Cottages/Workshoip it would not accord with the requirements of SPPR 1 of the Sustainable Compact Guidelines, 2024 and would give rise to a significant negative impact upon the current level of residential amenity enjoyed at this location in terms of overlooking and overbearance and would be contrary to the proper planning and sustainable development of the area.

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.

Kathy Tuck
Planning Inspector

22nd October 2025

Appendix 1

EIA Pre-Screening

Case Reference	ACP-323146
Proposed Development Summary	For alterations and new a mezzanine floor to existing Building A and a change of use from a theatre as granted by An Bord Pleanála, Ref. PL07.236398 to an art studio. Planning permission for Building B which will consist of a new two-storey building with a single bedroom studio, plant room and store. For completion of an existing structure, Building C, as granted by An Bord Pleanála, Ref. PL07.236398. Revised proposal to Building C to consist of a two bedroom studio apartment at ground floor level and a one bedroom artist studio, living & work space at first floor level & all associated site works at Letterfrack. The site is located within the curtilage of a RPS. Gross floor space of proposed works: 386.70 sqm
Development Address	Letterfrack, Co Galway.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here

<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-323146-25
Proposed Development Summary	For alterations and new a mezzanine floor to existing Building A and a change of use from a theatre as granted by An Bord Pleanála, Ref. PL07.236398 to an art studio. Planning permission for Building B which will consist of a new two-storey building with a single bedroom studio, plant room and store. For completion of an existing structure, Building C, as granted by An Bord Pleanála, Ref. PL07.236398. Revised proposal to Building C to consist of a two bedroom studio apartment at ground floor level and a one bedroom artist studio, living & work space at first floor level & all associated site works at Letterfrack. The site is located within the curtilage of a RPS. Gross floor space of proposed works: 386.70 sqm
Development Address	Letterfrack, Co Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development will provide for 4 no. studio apartments and 2 no. art studios. The proposal is provided within 3 no. buildings which are two storey in height. There are currently 2 no. partially constructed buildings on site.</p> <p>The site is located within the grounds of the former Letterfrack industrial school which is listed on the Record of Protected Structures and is now owned by the Galway Mayo Institute of Technology. The college comprises a series of buildings located around three sides of a green open space including the main 2-storey former industrial school, there are two terraces of single storey cottages (Ellis workshops) located to the rear of the main buildings with small church and courthouse located on elevated ground to the rear east.</p> <p>It is proposed to service the subject site via the municipal mains within the immediate vicinity of the site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>

<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>There would be no significant cumulative considerations.</p>
<p>Conclusion</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Construction of 2 no. house and all associated site works.		
Brief description of development site characteristics and potential impact mechanisms		<p>Permission is sought for construction of 2 no. dwelling house, entrance and all associated site works.</p> <p>Water supply and waste-water treatment will be from connection to public mains. Surface water is proposed to discharge to soakpits.</p> <p>There are no water courses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p>		
Screening report		<p>No</p> <p>Wexford County Council Screened out the need for Appropriate Assessment</p>		
Natura Impact Statement		No		
Relevant submissions		None		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<p>The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. The Planning Authority has considered the same 5 sites in their screening.</p>				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N

SAC 002031	Twelve Bens/Garraun Complex SAC	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum</p>	N/A	N0
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		in the British Isles [91A0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Najas flexilis (Slender Naiad) [1833]		
SPA 004221	Illaunnanoon SPA	Sandwich Tern (Thalasseus sandvicensis) [A863]	n/a	No
SAC 00330	Tully Mountain SAC	European dry heaths [4030] Alpine and Boreal heaths [4060]	n/a	No
SAC 02130	Tully Lough SAC	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] Najas flexilis (Slender Naiad) [1833]	n/a	No

Step 3 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development alone would not result in likely significant effects on the Twelve Bens/Garraun Complex SAC, the Illaunnanoon SPA, the Tully Mountain SAC, or the Tully Lough SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Twelve Bens/Garraun Complex SAC, the Illaunnanoon SPA, the Tully Mountain SAC, the Tully Lough SAC or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.