



An
Coimisiún
Pleanála

Inspector's Report

ACP-323283-25

Development

Retention permission for the temporary change of use of 11 no. apartments to the current use as accommodation for Protected Persons to include two (2) ground floor apartments, three (3) first floor apartments and six (6) second floor apartments and associated common areas for a period of three years.

Location

Mill Court, Gort, Co. Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2560390

Applicant(s)

Dom St Properties (Galway) Ltd.

Type of Application

Retention.

Planning Authority Decision

Grant Retention

Type of Appeal

Third Party

Appellant(s)

Renata Riadistic

Observer(s)

None.

Date of Site Inspection

6th October 2025.

1.0 Site Location and Description

- 1.1. The application site is located at Mill Court, Gort, Co. Galway. The site comprises redeveloped Mill buildings which is located on the southeastern side of Bridge Street.
- 1.2. Bridge Street forms part of the retail core area of the town and the street contains car parking and a signalised pedestrian crossing to the northwest of the site.
- 1.3. The development addresses Bridge Street with a southwest facing orientation with the remainder of the units to the rear having a southeast facing orientation.
- 1.4. There are 4 no. access points for the upper floors, two off Bridge Street and two from within the rear courtyard area which is accessed via a covered through route. This access also serves as a vehicular access to the car parking spaces.
- 1.5. The ground floor retail units which address Bridge Street consist of a coffee shop and a barber.
- 1.6. At time of site visit, an area of open space is located to the rear of the site, separated from the car parking and bin storage area by walls.

2.0 Development Seeking Retention

The development seeking retention permission consists of the temporary change of use of 11 apartments to the current use as accommodation for Protected Persons and associated common areas for a period of three years. As per the accompanying documentation to the planning application, it is stated that the Mill Court Accommodation Centre has been in operation since August 2022. The 11 no.

apartments form part of an overall apartment development of 16 units. The breakdown of the units is set out below.

Breakdown – Floor Area and Occupancy		
Ground Floor	Unit 4	62sqm (3 persons)
	Unit 6	55sqm (4 persons)
First Floor	Unit 8 <i>*management office</i>	36sqm
	Unit 9	40sqm (2 persons)
	Unit 10	60sqm (4 persons)
Second Floor	Unit 14	65sqm (6 persons)
	Unit 15	38sqm (2 persons)
	Unit 16	41sqm (3 persons)
	Unit 17	60sqm (4 persons)
	Unit 19	61sqm (4 persons)
	Unit 20	61sqm (4 persons)

3.0 Planning Authority Decision

3.1. Decision

On the 17th July 2025 Galway County Council granted retention planning permission for the development, subject to 3 no. Conditions;

The conditions include;

Condition No. 1 – standard, relating to plans and particulars including reference to the Further Information response.

Condition No. 2 – Limits the development to that set out in the public notice(s).

Condition No.3 – Requires the adherence to the Operation Management Plan submitted to the Planning Authority on 24th June 2025.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 28th May 2025 set out the site description, planning history, relevant policy, referrals, submissions received, environmental and flood risk assessments, planning assessment in addition to the technical assessment of access, water supply, surface and wastewater disposal.

No concerns were raised in the initial report of the Planning Officer, however the report recommended that Further Information be sought in the form of an Operational Management Plan, to demonstrate the details of the management and maintenance of the scheme including the provisions being made to meet appropriate standards of safety, comfort and compliance with relevant regulations e.g. fire safety. The plan was also requested to outline the role of the Accommodation Centre Manager and associated staff, staffing hours and staff facilities at the site.

Following receipt of the response to the request for Further Information, the subsequent report of the Planning Officer recommended that Retention Permission be granted.

3.2.2. Other Technical Reports

There were no other technical reports associated with this assessment.

Referrals were sent to Conservation Officer, Environment Section, Gort Area Council Office, Heritage Officer, Housing Section, Roads Department and Water Section. No reports were received.

3.3. Prescribed Bodies

Transport Infrastructure Ireland –

Requests that the Planning Authority, has regard to the provisions of official policy for development proposals which impact national roads and proposals which impact the existing light rail network.

Referrals were sent to The Heritage Council, Failte Ireland, An Taisce, Department of Housing Local Government and Heritage and Irish Water. No responses were received.

3.4. Third Party Observations

Third Party submissions to the Planning Authority can be summarised as follows;

- Many of the apartments were in private ownership, rented out as much needed accommodation in Gort. The removal of these units from the market during a housing crisis makes high profits at the expense of the community.
- Gort is a Rent Pressure Zone with rent caps on these properties.
- Quantum of units to be for use for Protected Persons is excessive.
- Contention of ownership status in the application details.
- Tenant turnover does not establish a proper neighbourhood community.
- In the event of a grant of permission, request that appropriate conditions be attached.
- The applicant has been building their portfolio for several years with no engagement with the current owners.
- Appendix A refers to evidence of the ongoing contract renewal correspondence with the Department of Justice and Equality, but this has not been made available.

- Noise and anti-social behaviour has been an ongoing problem since the use of the apartments as an Accommodation Centre with the communal area being untidy and dirty.
- Concerns regarding access for escape.
- Request that the Centre Manager is appropriately trained and their details to be made available to other owners/residents of Mill Court.
- The nature of the development does not foster economic development or create employment.

4.0 Planning History

004518 – Permission granted for an apartment development and the refurbishment of mill buildings, consisting of 17 residential units and 3 retail units.

044015 Permission granted to retain and complete alterations to that granted under 004518.

052245 Permission granted for the change of use of retail units No. 1 and No.2 into one single unit, for use as a betting office in addition to the provision of a satellite dish.

052876 Permission granted for the change of use of apartment No. 13 to office space.

5.0 Policy Context

5.1. National Planning Framework First Revision

National Policy Objective 38

Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

5.2. Regional Planning Guidelines

Northern and Western Regional Spatial Economic Strategy 2020-2032

Identifies 5 Growth Ambitions which includes 'Inclusive Ambition', this sets out that the region aspires to be one of the most liveable places in Europe with a commitment to sustainable and inclusive growth.

RPO 7.17

Ensure that the housing delivered meets the needs of the community in terms of social, affordable, private and sheltered in both urban and rural areas.

5.3. Galway County Development Plan 2022-2028

Chapter 2

Section 2.4.3 Settlement Hierarchy

Gort is designated as a Self-Sustaining Town within the Settlement Hierarchy which is described as 'Self Sustaining Towns with high levels of population growth and a limited employment base which are reliant on other areas for employment and/or services and which require targeted "catch-up" investment to become more sustaining.'

Policy Objective SS4 'Self Sustaining Towns (Level 4) – support the development of Gort as outlined in the Core Strategy and Settlement Hierarchy to improve local employment, services and sustainable transport options to become more self-sustaining settlements.

Section 2.6.2 Homelessness

Address the homeless issue and those in need of crisis accommodation will continue to be progressed in accordance with Government guidance and in conjunction with voluntary groups and other agencies.

Policy Objective SH2 Homeless Housing

Facilitate the provision of suitable accommodation for the homeless and for those in need of emergency accommodation.

Chapter 3

Section 3.5.4 Inclusivity

It is set out that it is important to prioritise socio-economic inequalities.

Gort Local Area Plan 2025-2031 (Came into effect on 9th September 2025)

The subject site is zoned, 'C1 Town Centre', the policy objective of which seeks 'To encourage and support a range of appropriate uses in the town centre that will assist in the regeneration and reuse of vacant and under-utilised buildings and land and will re-energise the town centre, subject to a high standard of development being achieved.

The accompanying description seeks to develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments, ensuring a mix of commercial, recreation and civic uses.

The subject site is located within an Architectural Conservation Area.

The Local Area Plan will continue to support Gort in its vital role as an economic driver in south Galway.

Relevant Policy Objectives

GSST 22 The River Walk

Protect and enhance walkways along the Cannahowna/Gort River including the Kinincha and Pound Road in a sustainable manner where possible.

GSST 40 Architectural Conservation Areas

Protect, conserve and enhance the essential character of the Gort Architectural Conservation Area through the appropriate management and control of the design, location and layout of new development. The objective seeks to respect surviving historic plots and street patterns, alterations or extensions to existing structures and/or modifications to the character of the ACA.

6.0 Legislation

Planning and Development Regulations 2001, as amended

Class 20(F)

This exemption relates to the temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of prescribed structures or part thereof.

The exemption does not relate to the use of existing residential properties and has a specified duration, being up to an including 31st December 2028.

6.1. Natural Heritage Designations

The application site is not located within or immediately adjacent to any European Site or Natural Heritage Area.

The site is separated from the Coole-Garryland Complex pNHA (000252), Special Area of Conservation (000252) and the Special Protection Area (004107) by c. 1.122km to the northwest.

The site is separated from the Lough Cutra pNHA (000299) and the Special Area of Conservation (000299) and Special Protection Area (004056) for Lough Cutra by c.3.118km.

7.0 EIA Screening

Having regard to the nature, size and location of the development being a change of use, I concluded that the development is not a class for the purposes of EIA as per the classes of development out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

See completed Form 1 on file.

8.0 The Appeal

8.1. Grounds of Appeal

The 3rd party appeal made by Renata Radisic which consists of 12 grounds of appeal can be summarised as follows;

- Quantum of units (11 out of 20) seeking retention for use for the purposes of Direct Provision is too much.
- Contends applicants claimed ownership status. The development is owned by Bridge Street (Gort) Management Company Limited. The applicant is one of twenty shareholders and has not given nor been asked for consent.
- Transient nature of the development does not give a sense of community.
- Having regard to access arrangements, there are concerns for escape.
- The existing apartments have an average occupancy of no more than 2 people. The planned occupancy of 36 no. people for 10 no. apartments would be excessive.
- Reference to documentation from the Department of Justice and Equality regarding contract renewal but this has not been made available.
- Given the applicant's portfolio, they can control the management company. The formation of this portfolio did not involve any engagement with the current owners/ occupiers and without planning permission.
- Requests that Apartment 8 which is indicated to be for use for the Centre Manager be conditioned appropriately.
- Gort is in a Rent Pressure Zone and removing 11 apartments from the rental market puts more pressure on rents.
- No condition was included regarding the confirmation of the expiry date of the permission. Request for a condition in this regard in addition to other conditions to be attached in the event of a grant of retention permission. Among these, it is requested that the 8 no. car parking spaces be restricted to use of the residents only and not for the occupiers / users of the two retail and office units.

- Notwithstanding the acknowledgement of the 3rd party submission received, there is nothing in the Planning Officers report to suggest that the submissions have been taken into consideration in reaching the decision.
- In the event retention permission is granted, request the inclusion of specific conditions which relate to permission expiry date, written confirmation that International Protection Applicants have vacated the apartments, limiting direct provision usage to 5 or 6 numbered years, clarification of the use of Apartment 8 to be the management hub, require that the management hub be accessible to existing owners/occupiers at all times, requiring the contact details for the centre manager to be posted in a location accessible to the general public, each occupancy to be for a minimum of six months (existing occupiers to be notified of new occupancies), restriction on the use of the 8 parking spaces to occupiers of the residential units only.

8.2. Applicant Response

The applicant's response to the 3rd Party Appeal can be summarised as follows;

- The apartments are being used for their intended purpose, to provide residential accommodation. Each unit functions independently and are self-contained. The units have been used continuously as residential development to provide residential accommodation to persons seeking international protection and involves no structural alterations, no intensification of use and no new impacts to the surrounding area.
- Section 10 of the application form refers to ownership of the applicable areas subject to the planning application. In this case Dom St. Properties are the full owners of the 11 no. apartments that were subject of this application.
- Contends the appellants reference to the tenant turnover.
- No alterations or change of use that would contravene the existing Fire Safety Certificate for the premises has occurred and therefore no additional risk is applicable.

- The occupancy rate is in line with the standard usage for the units of this size. Submits that the occupancy of each apartment complies with the National Standards for Accommodation offered to People in the Protection Process.
- The name and contact details of the manager of the units will be shared with the appellant by 5th September 2025.
- The nature of the development demonstrates full compatibility with Ireland's integrated planning and social inclusion framework, from local level through the Galway County Development Plan, Nationally, through NPO 37 and Social Inclusion Policy and Internationally through the EU Reception Conditions Directive (2013/33/EU): Article 19(1) and the UN Sustainable Development Goal 11.
- Indicates the 3 year time period sought.

8.3. **Planning Authority Response**

None

8.4. **Observations**

None

9.0 **Assessment**

9.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the development seeking retention permission
- Title
- Residential Amenity
- Other Issues

- Water Framework Directive Screening
- Appropriate Assessment

9.2. Principle of the development seeking retention permission

- 9.2.1. The subject site forms part of an established apartment development located within the town centre of Gort, Co. Galway.
- 9.2.2. The Gort Local Area Plan 2025-2031 came into effect on 9th September 2025. This is after the date of the Planning Officers report. The Planning Officers report refers to the Gort Local Area Plan 2013-2023.
- 9.2.3. The use seeking retention permission being ‘accommodation for Protected Persons’ is not a use specifically listed in the Land Use Matrix Table within the Gort Local Area Plan 2025-2031. I note that ‘Residential (excluding apartments) is ‘Open for Consideration’ in C1 ‘Town Centre’ zoning objective. The permitted development on the site is residential which is also listed as a use which is permitted in principle within the LAP. In this regard, given the nature of the development, I am satisfied that the temporary use seeking retention permission is compatible with the policy objectives for this zoning objective and does not conflict with permitted uses and is therefore acceptable in principle subject to the following assessment.
- 9.2.4. The Planning Officers report references Schedule 2, Class 20F of the Planning and Development Regulations 2001, as amended. I acknowledge that given the permitted use on the site, the change of use available under the exemptions is not applicable in this instance however I would consider that the relevant period of 31 December 2028 is relevant. I note that the conditions and limitations of Class 20F of the Planning and Development Regulations 2001, as amended states that ‘*The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028*’. In this regard in the event of a grant of retention permission, it is recommended that a condition be included to reflect the relevant period of the permission. The applicant has sought a temporary permission for 3 no. years. I note that the Planning Authority did not include a specific condition regarding the relevant period of the temporary permission sought and this is of concern to the Appellant. I acknowledge the concerns of the appellant, and I would agree that given the temporary nature of the permission, in the interest of clarity, I would recommend that such a condition be included.

9.3. Title

- 9.3.1. The appellant refers to the red line on the site layout plan and the applicants stated answer regarding ownership within the application form. It is the appellants contention that Bridge Street (Gort) Management Company Limited is the owner of the site outlined in red and that the appellant is one of 20 shareholders of the Management Company and has not given or been asked for consent.
- 9.3.2. In response, the applicant submits that the answer to Question 10 of the application form refers to ownership of the applicable areas subject to the planning application.
- 9.3.3. I note the requirements of Section 22 of the Planning and Development Regulations 2001 (as amended), which requires the applicant to submit the written consent of the legal owners of the application site and provide documentary evidence of the owner's interest where this matter arises. Having examined the information provided by the appellant, I am not satisfied that they have provided sufficient evidence that would support a claim that their consent is required for the making of this application and the subsequent development.
- 9.3.4. I am satisfied that the applicant has provided sufficient evidence of their legal interest to make an application. Any further legal dispute is considered a Civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000, as amended.

9.4. Residential Amenity

- 9.4.1. Having regard to the grounds of the 3rd party appeal I would submit that certain elements raised in terms of the quantum of units subject to the application, lack of neighbourhood community arising from tenant turnover and overall occupancy can be assessed and considered cumulatively in terms of amenity.
- 9.4.2. The grounds of appeal refer to 20 no. units within Mill Court. I note that Register Reference 004518 granted permission for 17 no. residential units with a subsequent change of use from residential to office granted permission concerning Apartment 13, yielding 16 no. apartments within the development.

- 9.4.3. The appellant submits that the quantum of units which are the subject of the change of use, is an unfair imposition and indicates that the accommodation centre should be limited to about 5 or 6 of the units.
- 9.4.4. I acknowledge the concerns of the appellant in this regard however I would submit that the units while indicated for accommodation for Protected Persons, effectively function as separate residential units in the same manner as the remaining standard apartment units. The applicant, in response to the third-party appeal substantiates this to state that the units operate as standard residential units for families who are seeking international protection. Residents are entitled to enter the units as they wish in a manner which is consistent with standard tenancies.
- 9.4.5. I would consider that the units which are the subject of this application are also managed by an on-site office and manager, much like the role of the management company for the remaining residential units in the building. In this instance, I would submit that once the overall units are managed in an appropriate manner, their integration within the overall residential development should not be dependent on a specific quantum of units.
- 9.4.6. Notwithstanding the foregoing, I do acknowledge that this overall determination in relation to the quantum of units should also consider the likely impacts that may result to the amenities available arising from an intensification of the occupancy of the units which are subject to the development.
- 9.4.7. The plans accompanying the application include those associated with Register Reference 004518. No details have been provided regarding the apartment permitted to office use. I also note that on the original floor plans, Unit 8 and Unit 15 appears to be a two-bed unit however on the current plans, these units are indicated to be one bed units which is reflected of their limited floor area.
- 9.4.8. In this regard, I have taken a conservative consideration of the occupancy of the existing building, having regard to the permitted and current plans which would be c. 44 bed spaces. Based on the applicant's response to the 3rd party appeal which sets out the intended occupancy of 36 bed spaces for the subject units in addition to the remaining units would be 51 bed spaces (Unit 8 not counted). This suggests an increase of 7 bed spaces.

- 9.4.9. In terms of internal amenity, I note that as part of the application documents, it is set out that the occupancy is stated to be in line with the National Standards for Accommodation Offered to People in the Protection Process, published by the Department of Justice and Equality and does not exceed the maximum occupancy calculated for the centre (Appendix B). In this regard, given the nature of the use of the units which are not for permanent living accommodation I do not consider it appropriate or reasonable to assess the internal layouts in relation to the Guidelines for Planning Authorities Design Standards for New Apartments (July 2023), regard being had to the allocation of units and overall management of the centre being under a separate code.
- 9.4.10. Having visited the site, I would submit that the amenities available to the occupants of the apartment development would be the provision of car parking and open space. Given the nature of the use seeking retention permission, I do not consider that the existing car parking provision would be affected. I do note that the appellant requests that in the event of a grant of retention permission that a condition be included to restrict the use of the car parking spaces to occupiers of the residential units only and not to the retail units. Condition No. 14 of the Register Reference 004518 relates to the provision of car parking but does not specify if this is solely for the residential element. Given the context of the application, I would consider that this element is outside the scope of the appeal.
- 9.4.11. As part of Register Reference 004518, the site layout plan indicated the area at the northeast of the site would be landscaped including for a paved area and to be planted with trees. Condition No.'s 15 and 18 relate to the landscaping of this space. Condition No. 18 referred to the need for the landscaping to comply with Drawing No. 1806/06C unless otherwise agreed.
- 9.4.12. At time of site visit, I noted that the dedicated area of open space while delineated from the car parking and bin storage area it was not landscaped but stoned and was in a semi unmanaged state. I noted the presence of manholes and a utility cabinet box. Children's bicycles were however within the space which would appear to me that the space is being used, although it offers a low level of amenity currently. I do not consider that the modest increase in bedspaces for a time limited temporary duration would be unduly detrimental to this area of open space. I also note that there is a dedicated walk along the river to the rear of the site which is accessed to the southeast.

I would consider that this would be an additional amenity available to the occupants of Mill Court.

9.4.13. It does not appear to me that the area has been landscaped in accordance with the permitted development (004518). The main part of the converted mill building has a southeast facing orientation which at the time of my site visit during the morning of the 6th October 2025 had a pleasant amount of light available. I also noted that the flowing river to the northeast added to the ambience and potential attractiveness of the space within an otherwise town centre location.

9.4.14. I would consider that the improvement of this space in terms of landscaping would provide an area for the residents which would entice occupants to use the space and in turn would seek to establish the sense of neighbourhood community that the appellant has concerns which is lacking. I do not consider that the provision of such landscaping comes within the scope of this appeal.

9.4.15. I note the concerns raised in respect of the transient nature of the tenants since the appellant purchased her home in 2021. While I note these concerns maybe accelerated in light of the overall use of the apartments, however I would also contend that the same group of apartments could be available on the rental market and given circumstances of the occupants at any particular time could have a similar rental turnover. In my opinion it is communal spaces within apartment development where a sense of place and community is established.

9.4.16. It is my opinion that the modest increase in bed spaces within the development for a temporary duration of 3 years would not be excessive. I consider that following the expiration of the temporary permission (if granted) and if subsequent changes were proposed to permanently increase the occupancy of the standard residential units, that reconsideration would need to be given to potential impacts that may arise to the parking provision and open space requirements to ensure a quality amenity and sense of place would be achieved.

9.4.17. I acknowledge the concerns raised by the appellant in relation to the escape routes associated with the subject building. I would submit that safety within and escape from the building would come within the remit of the relevant Building Regulations in addition to the document cited by the applicant entitled, National Standards issued by the Department of Justice and Equality as it relates to the management of the centre.

While this is outside the scope of the appeal, the applicant in their response submits that no alterations or change of use that would contravene the existing Fire Safety Certificate for the premises has occurred. I note that the onus lies with the applicant to ensure compliance with the necessary Building Regulations.

9.4.18. I would submit that the concerns raised in respect of the applicant's property portfolio is outside the scope of the appeal. There is no condition attached to the original permission that prohibits the ownership of more than one unit within the development.

9.4.19. Concerns raised in relation to the office centre is noted. In response to the 3rd party appeal, the applicant submits that the details of the manager would be shared with the applicant. I note that details of the Centre Manager name were included in the Operational Management Plan which was submitted in response to the request for Further Information. I note that the appellant requests that in the event of a grant of permission that a condition be included that the manager would be suitably trained. I would consider that it would be appropriate to attach a condition that restricts the use of Unit 8 to that of the Centre Office, for the purposes of clarity. I would also recommend that a condition be included to require that the Operation Management Plan as submitted to the Planning Authority on 24th June 2025 be adhered to and that contact details for the manager be published and available to all residents. I note that the Planning Authority included a similar condition to this effect. Furthermore, in terms of the overall general management of the centre, the Planning Statement which accompanied the application to the Planning Authority stated that the National Standards for Accommodation Offered to People in the Protection Process ('National Standards') apply to all service providers contracted by the Reception and Integration Agency (RIA) to operate and manage accommodation and reception centres. This document states that the Department of Justice and Equality retains responsibility for the implementation of standards and reception conditions.

9.4.20. The appellant notes that Gort is in a Rent Pressure Zone and that removing 11 no. apartments from the available rental property in the town puts more pressure on rents. I acknowledge these concerns however I would contend that the designation of the area as a Rent Pressure Zone has its own legal restrictions in respect of rent increases. I would submit that this is outside of the scope of this appeal.

9.4.21. In addition to the foregoing, I note that Ireland has obligations to meet in respect of the provision of basic supports to people who are awaiting a decision on international protection. The Department of Justice, Home Affairs and Migration is working to source accommodation to meet the urgent needs for shelter and support for people which are applying for international protection. Therefore, while the properties would be temporarily unavailable for the rental market, the properties would be in use to meet the national requirement for the provision of accommodation for persons seeking international protection. I contend that this provision is time limited, with the program rollout due to expire on or before 31st December 2028, as set out in S.I. No. 376/2023, which relates to the exemptions provided under Class 20F of the Planning and Development Regulations 2001, as amended. The applicant has sought a temporary permission in this regard and once expired unless a further permission for the continued use is granted, the units would be returned to the rental / sales market. In this regard, by virtue of the requirements of the Government to address the needs of the applicants seeking International Protection, I do not consider that the availability of the contract renewal correspondence between the applicant and the Department of Justice and Equality is of relevance to the public domain in the context of this application for retention permission. The documentation is clear that the units are for use as an accommodation centre and which in my opinion is the reasoning for the advancement of the application.

9.4.22. I note the appellants concerns regarding the suggested lack of consideration of the submissions within the assessment of the Planning Authority, I submit that this did not preclude the objectors from making an appeal.

9.4.23. Having regard to the assessment and site visit, I would consider that the subject site is appropriate for the proposed temporary change of use. The site is located within town centre of Gort, is on one of the main streets within proximity to a pharmacy, bank and post office. The site is within comfortable walking distance to the supermarket (Aldi) to the southeast. Gort also has a train station within walking distance in addition to a daily bus service to Galway City.

9.5. Other Issues

9.5.1. The appellants final ground of appeal requests the inclusion of specific conditions in the event of a grant of retention permission. I recommend the inclusion of conditions

in relation to the relevant period of the permission and restricting the office use associated with the accommodation to Apartment No. 8.

9.5.2. It is my opinion that the remaining condition requests effectively relate to the overall management of the centre, which the applicant within the planning statement accompanying the application states that the National Standards apply to all service providers contracted by the Reception and Integration Agency to operate and manage accommodation. This document states that the Department of Justice and Equality retains the responsibility for the implementation of standards and reception conditions. As noted above I do recommend that a condition be included regarding the need to adhere to the Operation Management Plan

9.6. Water Framework Directive Screening

9.6.1. The subject site is located c. 27m to the southwest of the Cannahowna_010 (IE_WE_29C010200).

9.6.2. No water deterioration concerns were raised in the planning appeal.

9.6.3. I have assessed the development seeking permission 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 (meaning both good chemical and good ecological 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.

9.6.4. The reason for this conclusion is as follows:

- Nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

9.6.5. I conclude that on the basis of objective information, that the 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.

10.0 AA Screening

I have considered the development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site.

The site is separated from the Coole-Garryland Complex Special Area of Conservation (000252) and the Special Protection Area (004107) by c. 1.122km to the northwest.

The site is separated from the Lough Cutra pNHA (000299) and the Special Area of Conservation (000299) and Special Protection Area (004056) for Lough Cutra by c.3.118km.

The development seeks retention for the temporary change of use of 11 no. apartments to the current use as accommodation for protected persons for three years.

Having considered the nature, scale and location of the development seeking retention I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The works are limited in scale, consisting of a change use.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

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

11.0 Recommendation

I recommend that retention permission be granted subject to the following conditions and reasons.

12.0 Reasons and Considerations

Having regard to the permitted use on the site and to the nature of the proposed temporary use of the apartments and to the location of the development in the town centre of Gort, where a variety of services are readily available, it is considered that the development does not negatively impact on adjoining residential amenities, provides a satisfactory standard of accommodation and is in accordance with the provisions of the Galway County Development Plan 2022-2028 and the Gort Local Area Plan 2025-2031. The development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application and as amended by the further information received on 24th June 2025.

REASON: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference 004518) unless the conditions set out hereunder specify otherwise.

REASON: In the interest of clarity and to ensure that the overall development is in accordance with the previous permission (s).

3. The temporary permission shall be for three (3) years only from the date of this Order or 31st December 2028, whichever is the earliest date.

REASON: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission.

4. The development hereby permitted shall adhere to the contents of the Operation Management Plan submitted to the Planning Authority on 24th June 2025. Contact details for the operational manager shall be published and made available to all residents of Mill Court for the duration of the permitted use.

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

5. The staff office shall remain located at Unit 8 as indicated on the plans submitted to the Planning Authority on 8th April 2025.

REASON: In the interest of clarity.

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.

Inspectorate

16th December 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP-323283-25
Proposed Development Summary	Retention for temporary change of use of 11 apartments to current use as accommodation for protected persons for a period of three years.
Development Address	Mill Court, Gort, 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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" 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.	
<input 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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Inspectorate

Date: _____