



An
Coimisiún
Pleanála

Inspector's Report ACP-323693-25

Development	Construction of 2 no. 3 bed dwelling houses
Location	Cuscarrick, Loughrea, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2560904
Applicant(s)	John Gerard and Anne Farragher
Type of Application	Planning Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	The Residents Association The Waterfront Estate
Date of Site Inspection	20 th November 2025
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.092ha greenfield site is situated 1km west of Loughrea town centre and comprises part of the rear open space associated with a detached dwelling at the north. Vehicular access is provided via that dwelling's entrance to a local road, the L8265, at the north. The site is situated immediately adjacent to the western boundary of The Waterfront housing estate which is accessed in turn from the R380 regional road which is situated 100m southeast of the site. Lough Rea is situated 220m to the southeast.
- 1.2. The area surrounding the site is characterised by a mix of residential development and greenfield infill/backland sites. As stated, The Waterfront is situated east of the site and comprises an estate of 32no. detached and semi-detached two-storey dwellings set out in an urban back-to-back arrangement along a series of cul-de-sacs. There is a row of detached dwellings situated both to the north and south some of which have long rear open spaces adjacent to the site. The land to the west comprises two small paddocks/fields which do not appear to be associated with any of the adjacent residential properties and are accessed independently from the L8265 at the north.
- 1.3. Boundaries on the site comprise a blockwork wall and some hedgerow adjacent to The Waterfront, a hedgerow adjacent the third-party dwellings at the south, a post and wire fence with some intermittent hedgerow and trees adjacent the paddocks to the west and a variety of hedgerows, fences and sheds at the north adjacent the existing dwelling from which the site is accessed. It should be noted however that the latter physical boundary is situated north of the northern red line boundary of the subject site. The red line boundary demarking the extent of the site is situated c.20m from that physical boundary with all domestic sheds and a greenhouse retained within the existing domestic property. The site is finished with mown domestic type grass.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:

- Construction of 2no. 3-bed semi-detached dwellings each with a floorspace of 200m², 2no. parking spaces and rear private open spaces of 82m² and 93m²,
- Vehicular access via the existing estate road from The Waterfront including a new turning bay and relocation of existing lightpole. Section of the existing estate boundary wall and footpath will be removed to facilitate the vehicular access.
- Connection to public water services,
- All associated site works and services including 128m² of landscaped public open space and new site boundaries comprising 1.8m high plastered blockwork walls.

2.2. The following documentation was submitted with the application together with standard statutory drawings and notices:

- Uisce Éireann Confirmation of Feasibility for both water and wastewater connections.
- AA Screening Report
- Letter from Galway County Council confirming that The Waterfront housing estate is taken in charge and that the Local Authority has no objection to the proposed access arrangements via The Waterfront subject to planning conditions.
- Application form for 'Certificate of Exemption from the Provisions of Section 96 of the Planning and Development Act 2000'.
- Land registry and folio details.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Galway County Council issued a notification to grant permission on 26th August 2025 subject to 20no. conditions including a requirement to obtain a Connection Agreement from Uisce Éireann prior to the commencement of works and ensuring all internal road network development complies with DMURS.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- It considered the principle of development complies with the zoning objective and matrix relating to the site and highlighted its serviced and infill nature.
- It noted a letter from Irish Water stating that connection to the water and wastewater networks are feasible without infrastructure upgrades.
- With regard to siting, design and visual impact, the report states '*It is considered that the proposed development outlined would be in accordance with local policy and would be visually acceptable and would not adversely impact on the residential amenity of occupants or on the area*'.

3.2.2. Other Technical Reports.

The application was referred to the following internal sections of the Local Authority however no reports were issued:

- Housing Section
- Loughrea/Portumna Area Office
- Roads Department

3.3. Prescribed Bodies

The appeal was referred to the following prescribed bodies however no responses were received:

- An Taisce
- Development Applications Unit
- The Heritage Council.

3.4. Third Party Observations

22no. submissions were received from the following:

1. Florence Mitchell

2. Liam Nolan
3. Bernadette Rushe
4. Deirdre Watson
5. Stephani and Éanna Carroll
6. The Residents Association of The Waterfront and Gort Road
7. Jardonelle Limited
8. Triona Kennedy
9. Anthony and Denise Browne
10. Mary Lalor
11. Martina Riordan
12. Robert Cannon and Michelle Crowe
13. John Norton and Helen Monaghan
14. Teresa Moore
15. Philomena Geraghty
16. Valerie Reilly
17. Michael and Bridie Glynn
18. Laura Lyons
19. Svetlana Tairova and Andrey Tairov
20. Carmel Madden
21. Adrian Kelly & Suzanne Colleran
22. Pauline Morley

The following issues were raised:

- Some support for the principle of development is outlined but stated in tandem with opposition for the access proposals.
- Road safety concerns from increased vehicular movements at construction and operational stages. Concerns relate to road, cyclist and pedestrian safety, increased congestion in the estate, noise and air pollution, existing lack of car parking and potential damage to the road and underground infrastructure within the estate. Concerns are also outlined regarding poor sightlines and traffic queuing at the existing vehicular entrance from the R380 as well as excessive speed on the R380.
- Loss of privacy due to construction traffic. Construction stage noise, vibration, air quality impacts and general disruption.
- Suggestions are made for various alternative operational and construction stage access arrangements.
- Impacts on existing inadequate water and wastewater infrastructure. Loughrea WWTP is not fit for purpose with regular exceedances of emission limit values

polluting nearby watercourses and the lake. Development is therefore premature pending improvements according to EPA recommendations.

- Impact to character and safety of the estate from removal of boundary walls, seating and planting and overcrowding leading to a loss of residential amenity. Lack of details surrounding security and privacy following removal of the wall.
- The applicants sought provision of the wall in The Waterfront parent permission in order to restrict access to their property. Seeking to remove it now raises concerns about consistency and precedent.
- Precedent could be set by permitting connection of additional housing to The Waterfront and concerns raised regarding future housing developments on adjacent greenfield lands. Cumulative piecemeal housing developments could lead to estate road becoming a through road as well as property devaluation.
- Queries raised regarding the adequacy and validity of the letter of consent from Galway County Council as it was issued in 2019.
- Similar concerns raised regarding ownership of the boundary wall to be removed as the submissions contend it is in the ownership of a management company. No letter of consent was sought from the management company or residents association. A letter is submitted from the management company outlining its ownership of the boundary wall and that the company has not consented to its removal. The management company also made a separate submission highlighting the same matters and stating *'As the owner of these lands we wish for it to be noted that we have not had any communication with the applicant in this regard and have not consented to these proposed works.'*
- Lack of consultation.

4.0 Planning History

- 4.1.1. There is no planning history on the subject site. The following is noted on adjacent sites to the east:
- 99/1666: Planning permission granted to Jardonelle Ltd for 5 dwelling houses and associated services.

- 98/854: Planning permission granted to Jardonelle Ltd to construct 14 dwelling houses and associated services.
- 98/718: Planning permission granted to Jardonelle Ltd to construct 12 dwelling houses and associated services and to demolish 1 dwelling house.
- 21/1923: Permission sought by Jardonelle Ltd to construct 4 No. two storey dwelling houses with access through The Waterfront Estate and all associated services. Application was withdrawn prior to reaching a decision.
- 22/60835: Planning permission granted to Jardonelle Ltd to construct 8 No. two storey dwellinghouses with access through the waterfront estate.
- 24/60619: Permission granted for retention and completion (In relation to a permitted 8-house development, previous planning ref. no. 22/60835) for proposed amendments to Site 7 and Site 8 only, comprising of: (1) Converting 2 no. 4-bed semi-detached dwellings into 3 no. 2-bed apartments and 1 no. 1-bed apartment, (2) Small first floor rear extension and therefore increase in overall floor area, (3) Minor alterations to elevations of units including addition of 2 no. external access stairs on rear elevations to access rear garden, (4) subdivision of rear gardens and addition of storage units to each garden, (5) all associated works. Gross floor space of work to be retained: 267.00 sqm

4.1.2. Planning history to the west:

- 02/892: Planning permission granted to Gabriel Burke for construction of eleven no. dwelling houses and associated services.

4.1.3. I note reference in the appeal to a planning application, ref '21762' allegedly associated with the applicant's dwelling at the north of the site however a search of the online planning enquiry system has not revealed any planning history associated with that dwelling. I also note the Case Planner's report states there is no planning history on the site. The reference number 21/762 refers to a site west of Clifden and c.100km northwest of the subject site.

5.0 Policy Context

5.1. Loughrea Local Area Plan 2024-2030

- 5.1.1. The Case Planner's report states that the site is zoned 'residential existing' which has the following objective: 'To protect and improve the residential amenities of existing residential areas'. A further description is provided as follows:

"To provide for house improvements, alterations, and extensions of residential development in accordance with principles of good design and protection of existing residential amenities."

- 5.1.2. The land use zoning strategy and map also provides for another category of residential development referred to as 'residential infill' which has the same shade of yellow as 'residential existing' and also has the same zoning objective. It is differentiated on the map by a red star/astrix icon centrally positioned on undeveloped areas to the rear or side of existing residential areas. There is however no boundary identifying the extent of these sites and the description of the objective differs from 'residential existing' as follows:

"To provide small scale residential development on appropriate infill sites in accordance with proper planning and sustainable development and principles of good design."

- 5.1.3. I also note that Section 2.3 of the Local Area Plan, hereafter referred to as the LAP, states the following:

"Residential infill sites are located within the settlement boundary. These are 'gap sites' within the plan area that are typically capable of accommodating limited residential units. In general, these sites are serviced and are strategically located within close proximity of the town's local services, such as employment and education facilities."

- 5.1.4. In this case, the red star is situated to the west of the site in the centre of the adjacent two paddocks. Given the lack of specific boundaries for this zoning and the fact that it appears to be based on the general backland and infill characteristics of such sites as described above, I consider the subject site is also subject to this

residential infill zoning and not the 'residential existing' zoning as set out in the Case Planner's report.

- 5.1.5. Policy Objective LSST 6: Residential Infill Development: Within the Settlement Boundary, small scale limited infill housing development will be considered in appropriate sites. These infill sites shall have regard to the existing character of the street, respecting the existing building line, scale, proportions, layout, heights and materials of surrounding developments. A proposed site must have a safe means of access and egress and comply with development management standards for new dwellings.
- 5.1.6. Policy Objective LSST 8: Compact Growth: It is a Policy Objective of the Council to support the delivery of new homes in Loughrea urban area within the existing built-up footprint of the settlement, by developing infill, brownfield, opportunity, and regeneration sites and prioritizing underutilized land in preference to greenfield sites.
- 5.1.7. Policy Objective LSST 35: Connections to the Public Sewer and Public Water Mains: Developments shall connect to the public sewer and public water mains, subject to a connection agreement with Uisce Éireann, to protect all waters in the plan area, consolidate the urban structure and control ribbon development along approach roads into Loughrea.

5.2. Development Plan

- 5.2.1. The site is governed by the policies and provisions contained in the Galway County Plan 2022-2028 (referred to hereafter as the CDP). Chapter 15 sets out development management standards which includes DM Standard 2 regarding multiple housing schemes in urban areas. It states the following with regard to town and village centre infill sites:

'Development of infill and brownfield sites for residential or mixed use will be supported in suitable town and village centre locations. Such development must respect the character and appearance of the settlement and contribute to the delivery of good placemaking.

Ideally centrally located brownfield developments should include a level of ground floor activity such as retail, office or commercial to increase footfall in

the surrounding area. Where this is not possible a clear justification is required with supporting documentation to have flexible approach.

Infill proposals should consider other site circumstances relating to:

- The existing pattern of development, density, plot size, building height;
- Impact on residential amenity, daylight, loss of privacy, overlooking;
- The provision of private open space for existing and proposed properties;
- Car parking standards;
- Building orientation.

A degree of flexibility may apply to infill sites who cannot facilitate certain standards, particularly if it contributes to sustainable compact development.'

5.2.2. The following policy objectives are also noted:

- CS 1 Compact Growth: To achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.
- CGR 1 Compact Growth: To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.
- UL 1 Infill Sites: To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.

5.3. Natural Heritage Designations

5.3.1. The site is situated 120m northeast of Lough Rea Special Area of Conservation (SAC), Special Protection Area (SPA) and proposed Natural Heritage Area (pNHA). Slieve Aughty Mountains SPA is situated 3.8km south of the site. Rahasane Turlough SAC, SPA and pNHA is situated 11km northwest of the site and also 14km downstream from the discharge point to the Kilcolgan river from Loughrea WWTP.

5.4. EIA Screening

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Decision is premature and does not comply with the following objectives of the CDP:
 - CS2 Compact Growth
 - CRG1 Compact Growth
 - CRG6 Density
 - PM10 Design Quality
 - SGV1 Residential Development Phasing
 - KSGV2 Sustainable Residential Communities
 - NBH1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species,
 - NHB3 Protection of European sites
 - WR1 Water Resources
 - LCM3 Landscape Sensitivity Ratings
 - WW6 Private Wastewater Treatment Plants
 - WW11 Surface Water Drainage
 - DM Standard 11 Landscaping

- DM Standard 28 Sight Distances
 - DM Standard 36 Water Supply and Wastewater Collection
 - DM Standard 38 Effluent Treatment Plants
 - DM Standard 47 Field Patterns, Stone Walls, Trees and Hedgerows
- Protection of existing residential amenities is required under the zoning objectives for residential lands. Permitting development in the absence of safe access would set an undesirable precedent leaving all established housing estates vulnerable to uncontrolled traffic and construction hazards.
- There is no existing vehicular access to the site from the Waterfront Estate. The existing 2m high boundary wall and footpath is integral to the original layout of the estate and is on private property 0.7m within the estate. The original field boundary comprises a stone wall which is still in place. There were trees previously at this location which the applicant removed. No reference is made to, or permission sought to remove the wall and the taking in charge letter does not make reference to the wall. A letter of consent is not provided from the residents association or the management company. The appeal includes a letter from the management company confirming that the wall is in their ownership and the company has not consented to its removal. The appeal also refers to Section 34(13) of the Planning and Development Act, 2000 (as amended) which outlines that a grant of planning permission alone does not confer an automatic right to develop and that additional consents may be required such as landowner, legal and regulatory requirements.
- Concern set out that the development could lead to further connectivity to adjacent lands and thereby further exacerbate concerns outlined below.
- Proposed access via the Waterfront Estate would utilise the existing estate entrance to the R380 which has substandard sightlines in both directions. Narrow footpaths together with vehicles parking on the footpaths mean pedestrians regularly walk on the road. The existing entrance is uncontrolled and the appeal contends that intensification of this creates concerns regarding traffic safety. Residents have previously engaged with the Local Authority regarding excessive traffic speeds on this road. Concerns are outlined in the appeal that additional vehicular and construction traffic will contribute negatively towards traffic and pedestrian safety.

The appeal highlights that the principle of development is not proposed, but that alternative access should be sought as per previously approved development adjacent the site which permitted a new access to the L8265 to the north. That application was not referenced in the planning history section of the subject application.

- The demographics of the estate has changed since it was first completed and occupied with significantly more children and older persons with disabilities not residing in the estate which has no pedestrian crossings or traffic control/management measures such as slow zones and signage. There is no public transport stop nearby and therefore there is a high reliance on private vehicles. The appeal outlines a concern regarding construction traffic interactions with residential traffic and pedestrian and scooter movements.
- Concern outlined regarding construction HGV movements and impacts and damage to the existing road network, public footpaths and underground water infrastructure.
- Uisce Éireann considered the development can be accommodated without upgrade to the existing infrastructure however the appeal refers to local issues of backed up foul and storm sewers, odour and water shortages all of which have been relayed to the Local Authority. A contractor empties a wastewater holding tank every three weeks or more frequently in wet weather periods in order to address overloading from surrounding estates including Tulla na Gréine, Gort na dTulach and Páirc an Triantáin.
- The Loughrea WWTP has capacity for additional loading but is not fit for purpose as it already has emission limit value exceedances according to an environmental report prepared as part of the Loughrea LAP 2024-2030. The appeal suggests that this pollutes the nearby watercourses and lake via groundwater or direct discharge. Therefore, any development discharging to this WWTP is premature prior to satisfactorily addressing the existing issues in accordance with EPA recommendations.
- The application site forms part of previously approved private amenity space associated with the applicant's family home, ref. 21/762. The subject application

does not reference subdivision of this site or retention of the existing dwelling and its services etc on a reduced site.

- The decision was made in the absence of reports requested from internal departments. Numerous requests were made by the public to view the Case Planner's Report before it was made public. The appeal questions if the Case Planner's report and decision had due regard to the third-party submissions made.
- The EIA screening section of the Case Planner's report refers to likely significant effects'. The appeal questions what those significant effects are likely to be.
- The Case Planner's description of the site is inaccurate as the site is not surrounded by residential development.
- The existing boundary wall between the site and the Waterfront Estate is not referred to in the Case Planner's report.
- The Case Planner's Appropriate Assessment Screening Determination, which screened out likely significant impacts to European sites, is in itself a statement which the appeal suggests *'lays the groundwork for further development of the adjacent greenfield sites and that it is in fact premature in this planning stage to be able to state the above with certainty.'*

6.2. Applicant Response

- The Case Planner's report notes that the principle of development is acceptable on the residentially zoned lands, that the site is serviced, surrounded by residential development and is considered to be an infill site.
- The report considered the house design to be acceptable and in keeping with the existing dwellings in the Waterfront estate. It states that they would not adversely impact on the residential amenity of the occupants or on the area.
- The report concludes that the development is in accordance with the proper planning and sustainable development of the area and with the provisions of the CDP.
- The proposed introduction of a turning bay will improve traffic safety as refuse trucks currently must reverse out of the cul-de-sac.

- The Waterfront Estate is taken in charge. The application included a letter from the Local Authority stating that it has no objection to the proposed access arrangements subject to planning conditions.
- The applicant's response suggests that the layout of the Waterfront Estate with its multiple cul-de-sacs was designed to facilitate such future infill development. This is evidenced by the grant of permission nearby for an infill residential development to the east of the Waterfront with access through the same estate.
- The appeal suggests that the existing 2m high blockwork wall is a perimeter wall constructed within the estate and not on the boundary of the estate. It suggests that the boundary wall comprises a natural stone field wall still in situ. The applicant's response contends this is inaccurate, that the taller blockwork wall is situated on the property boundary and that a significant portion of the wall's foundation and piers are situated on the applicant's landholding.

6.3. Planning Authority Response

- None

6.4. Further Responses

- None

7.0 Assessment

7.1.1. The site is zoned for residential purposes and complies with compact growth policy objectives such as LSST 8 from the Loughrea LAP and CS1 and CGR 1 from the Galway CDP. Developing a small scaled residential scheme on existing residential infill lands also complies with policy objective UL 1 of the CDP. DM standard 2 of the CDP sets out a list of criteria which infill development should adhere to as follows:

- The existing pattern of development, density, plot size, building height;
- Impact on residential amenity, daylight, loss of privacy, overlooking;
- The provision of private open space for existing and proposed properties;
- Car parking standards;

- Building orientation

7.1.2. In my view the proposed layout reflects the existing scale, layout and massing of the existing dwellings. The existing southern row of dwellings in The Waterfront would be extended and a new pair of semi-detached dwellings erected in a very similar manner with the same building line, height, breakfront gables and general proportions.

7.1.3. Policy Objective LSST 6 of the Loughrea LAP similarly requires infill sites to have regard to the existing character of the street, respecting the existing building line, scale, proportions, layout, heights and materials of surrounding developments. In this case a slightly different palette of external materials is proposed to the existing dwellings which have brick and render on the front elevation whereas the proposed dwellings will have natural stone, render and a zinc canopy/porch. These materials and finishes are acceptable in my view and will not disrupt the character or architectural harmony of the street.

7.1.4. I note that the general layout, scale and design of the dwellings is not questioned in the appeal and that the Local Authority considered these items to be acceptable. Having examined the relevant drawings and details, I agree that such matters, including external materials and finishes and adherence to minimum residential standards are acceptable.

7.1.5. I therefore consider that the principle of residential development is acceptable and that the design, scale and layout of the dwellings comply with the relevant policy objectives of both the LAP and CDP.

7.1.6. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Landownership and Consent
- Future Development and Precedent
- Access and Traffic Impact
- Construction Impacts

- Water and Wastewater
- Impact to Residential Amenity (including character)
- Other Matters

7.2. Landownership and Consent

- 7.2.1. It is proposed to remove a section of an existing blockwork wall forming a boundary to The Waterfront estate in order to facilitate access to the site. The applicant contends that part of this wall is situated within their property and has submitted a letter of consent from the Local Authority as the estate is taken in charge. A submission to the application was received from the Management Company outlining their ownership of the wall and that no consent is given for works to it. The appeal submitted a similar letter from the same Management Company outlining this stance also.
- 7.2.2. I note the Local Authority did not comment on the matter. A report was not received from either the Roads Department, who issued the original letter of consent in 2019, or from the Area Office despite referral of the application to both. The Case Planner's report did not make any reference to the matter.
- 7.2.3. I note that written consent under art. 22(2)(g) of the Planning and Development Regulations, 2001 (as amended) is required for the making of an application only and need not relate to the carrying out of the development. The determination of title is not a matter for the Commission and I therefore recommend that planning permission is granted subject to Section 34(13) of the Planning and Development Act, 2000 (as amended) which provides that if an applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development.
- 7.2.4. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent 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 2000 Planning and Development Act.

- 7.2.5. Lastly, I note the appeal also states that a letter of consent was not sought from the Residents Association however I am not aware of any regulatory requirement to provide same in circumstances where the Residents Association as an organisation has not set out any legal interest in the ownership of the land.

7.3. Future Development and Precedent

- 7.3.1. The appeal and many of the third party submissions set out concerns surrounding facilitating access via The Waterfront and the precedent this would set with regard to potential future on adjacent lands. References are made to piecemeal developments of 2 and 3 houses at a time, as well as to the potential creation of a 'rat run' through the estate if the road were later connected to the L8265 at the north.
- 7.3.2. Each planning application is assessed on its own merits. Speculation regarding future development on land outside the ownership of the applicant is outside the scope of the appeal. I also note that the movement strategy outlined in the Loughrea LAP does not suggest provision of a new link through these lands and therefore there is no requirement to consider and require same at this time.
- 7.3.3. I therefore do not agree that the extension of the cul-de-sac would create a precedent to connect further adjacent lands and lead to the creation of a through road. The proposed development includes details of boundary walls around the entire development to retain the nature and character of the cul-de-sac which in my view is acceptable and appropriate to the scale of development proposed under this application.

7.4. Access and Traffic Impact

- 7.4.1. It is proposed to extend the existing cul-de-sac and provide vehicular access through The Waterfront to the R380. Much of the appeal and many of the earlier third party submissions focus on road and traffic safety, with concerns raised about the impact of additional traffic both within the estate and at the existing junction.
- 7.4.2. As noted earlier and for the purposes of clarity, this section of the assessment will not assess concerns raised regarding the potential future creation of a through road. This section will only address the proposed layout which seeks to extend the cul-de-

sac, provide a new turning circle and landscaping all enclosed within new boundary walls.

- 7.4.3. In this context, I do not consider the scale of additional traffic during either the temporary construction stage or the permanent operational stage would likely result in significant impacts to the safety of motorists, pedestrians, cyclists or scooter operators. The construction of 2no. dwellings is not likely to result in large numbers of HGV deliveries or substantial measures such as extensive rockbreaking given the extent of the footprint of the entire development. Similarly, the generation of traffic associated with the occupation of the 2no. dwellings is not, in my opinion, like to result in a traffic hazard within the estate.
- 7.4.4. I also consider that the creation of a new turning circle would be a positive impact in terms of traffic safety for the cul-de-sac which currently does not benefit from same. Some submissions reference the loss of car parking as a result of removing the boundary wall however the area in front of the wall is not designed for car parking in my view given its relationship with the vehicular entrances to the two adjacent dwellings on either side.
- 7.4.5. I have had regard to concerns raised regarding the existing vehicular entrance from the R830 to The Waterfront and stated issues regarding inadequate footpaths and sightlines. While this matter is somewhat outside of the control of the applicant, it is nonetheless imperative to consider cumulative intensification of the entrance as highlighted in the appeal and submissions. I note that an additional 10no. units were permitted to the east of The Waterfront and connecting into its road infrastructure which were under construction and nearing completion at the time of the site inspection.
- 7.4.6. I also note that the Local Authority did not raise any concerns regarding intensification of the existing access to the R380. I do not consider the scale of additional traffic generated by the proposed development would result in a traffic hazard at the existing junction by itself, or in tandem with other permitted development.
- 7.4.7. I note suggestions made in the appeal and submissions regarding alternative access proposals. I acknowledge the perceived benefit to residents in The Waterways if an alternative access were sought however in light of my conclusions set out above

which consider it unlikely that any traffic hazard would occur, I do not consider it prudent to require an alternative access. This is also the case as the form, layout and scale of the proposed development is clearly based on a continuation of The Waterways scheme, and also because the addition of a new turning circle would improve safety in the area. The layout as proposed complies with Policy Objective LSST 6 of the Loughrea LAP in my opinion which requires infill development to have a safe means of access and egress.

7.5. Construction Impacts

- 7.5.1. The appeal and many of the third-party submissions made at the application stage outline concerns regarding construction stage impacts including construction traffic, noise, vibration, air quality, damage to roads, damage to underground infrastructure such as water services and general disruption including to persons working from home. Some of the submissions reference persons with health concerns which may be exacerbated by construction activity.
- 7.5.2. As noted during the site inspection that there was ongoing construction activity underway at the west of The Waterfront relating to a permitted scheme for 10no. units and therefore there is a potential for cumulative impacts. However, having regard to the overall scale of the development of 2no. semi-detached units, and the overall temporary nature of any construction timeline associated with same, I do not consider it likely that any significant impacts would occur as a result of the construction phase.
- 7.5.3. I recommend however the preparation of a Construction and Environmental Management Plan to be agreed with the Local Authority in advance of the commencement of development which maximises use of alternative access points to reduce construction stage disruption for residents.

7.6. Water and Wastewater

- 7.6.1. The appeal and some submissions are concerned about the impact of connecting to the public water and wastewater network due to stated issues regarding poor water pressure and supply shortages for portable water as well as odours, blocked sewers and mobile tankers emptying tanks for wastewater infrastructure.

- 7.6.2. I note a Confirmation of Feasibility from Uisce Éireann was submitted with the application which confirmed that connection to the public water and wastewater networks was feasible without upgrade to the infrastructure. Uisce Éireann own and operate such networks and are the only body with authority to determine if connections are acceptable and appropriate or not and in this regard I consider the proposed connections to be acceptable.
- 7.6.3. I note references in the appeal to the Loughrea WWTP which is stated to have capacity to accommodate additional hydrological loading but which is allegedly currently unfit for purpose due to exceedances to emission limit values (ELVs). The appeal suggests this leads to pollution of nearby water features and therefore, any development discharging to this WWTP is premature prior to satisfactorily addressing the existing issues in accordance with EPA recommendations.
- 7.6.4. I note the following in relation to the WWTP and its effect on receiving waterbodies:
- The waterbody into which the WWTP discharges is the Kilcolgan_020 river. This currently has a 'poor' status and urban wastewater has been identified as a 'significant pressure' to the waterbody achieving good status by 2027 as required under Article 4 of the Water Framework Directive.
 - The EPA's report *Urban Wastewater Treatment in 2024* published in 2025 identified Loughrea WWTP as being one of the 34 urban locations considered priority areas. They are prioritised due to discharges from these areas being identified as the main source of pollution affecting receiving waterbodies. Appendix D of this report identifies areas where progress towards achieving the necessary improvements has been scheduled however no schedule of improvement works is set out for Loughrea WWTP and therefore the EPA concluded in the report that Uisce Éireann has not given sufficient priority to progressing the necessary improvements at Loughrea WWTP.
 - An assessment of the recent water quality downstream of the discharge from Loughrea WWTP to the Kilcolgan_020 waterbody (2.5km northeast of the subject site) shows that elevated ammonia and orthophosphate were recorded in 2024 and 2025 which indicate that the WWTP continues to contribute to enrichment in the Kilcolgan_020 waterbody.

- The Annual Environment Report (2024) for the Loughrea WWTP as prepared by Uisce Éireann shows that annual average concentrations of Orthophosphate increased from 0.013mg/L as P upstream of the discharge to 0.068mg/l as P downstream of the discharge from the WWTP for 2024. This represents a 5-fold increase in orthophosphate levels in the river and considering the Environmental Quality Standard (EQS) for orthophosphate for good status in surface waters is 0.035mg/l as P, this represents a significant risk to this waterbody achieving good status.
- The EPA Biological Monitoring programme noted a Q-Value of 2-3 downstream of the discharge from Loughrea WWTP which indicates a poor ecological condition.

- 7.6.5. In this context I note that discharge from the existing WWTP is categorised as a significant pressure. The WWTP has an overall design capacity of 9500 PE and currently has an urban area PE of 8425, and therefore there is hydraulic capacity in the WWTP to cater to the proposed development.
- 7.6.6. 3-bed dwelling units have a PE of 5, and therefore the total design PE of the development is 10, which represents 0.11% of the total designed discharge capacity. In my view this does not represent a significant portion of the discharged effluent and therefore I do not consider the addition of 2no. dwellings is likely to result in additional quantifiable generation of surface water pollution.
- 7.6.7. I therefore conclude that it is unlikely that connecting the two proposed dwellings to the Loughrea WWTP would result in downstream pollution of water features, and that on balance it is more appropriate to require connection and discharge to the WWTP than permitting onsite wastewater treatment in an urban area where domestic waste water is also noted to be a significant pressure. This approach complies with policy objective LSST 35 of the Loughrea LAP which seeks to ensure all developments connect to the public water and sewers, subject to a connection agreement with Uisce Éireann, in order to protect all waters in the plan area and consolidate urban structure.
- 7.6.8. I recommend a condition is attached requiring the applicant to obtain a connection agreement from Uisce Éireann prior to commencement of development.

7.7. Residential Amenity

- 7.7.1. The appeal and submissions suggest the proposed development would result in a change to the character of the area due to the loss of the cul-de-sac, its seating and its landscaping which would cumulatively impact residential amenity. The area in front of the boundary wall currently comprises an informal recreational space with seating and some planted containers.
- 7.7.2. I note that the proposed development would retain a cul-de-sac type character with a turning head enclosed by tall boundary walls. No through road is proposed. 128m² of landscaped peripheral open space would be provided to the north and west of the turning circle which would, in my opinion, provide a suitable replacement seating and recreational space if appropriately landscaped. I therefore recommend a condition is attached requiring seating to be provided in public open space as well as continuation of the footpath as far as any such seating.
- 7.7.3. In conclusion, I consider the proposed development would not alter the character of the area and would not negatively impact on residential amenity of existing occupants of the street.

7.8. Other Matters

- 7.8.1. The appeal highlights impropriety in the development description as it does not reference subdivision of the residential site on which it is situated. I consider however that the development description and application drawings together accurately portray the extent of development sought as the public notices reference the proposed vehicular access through The Waterfront while the drawings clearly illustrate proposed new boundaries around the development.
- 7.8.2. The appeal also suggests that the Case Planner's report did not have due regard to all third-party submissions and was not informed by internal department reports. The lack of receipt of internal department reports is not a basis for refusing permission in my view. And with regard to addressing matters raised in the submissions, this assessment has had regard to all items as summarised previously. References to publication of the Case Planner's report on the Local Authority website are outside the scope of this appeal.

7.8.3. The appeal questions what likely significant effects may occur as referenced in the Case Planner's EIA screening. For clarity, the following extract is the relevant paragraph in the Case Planner's report, with bold added to emphasise the section referred to by the appellants:

"The development is a project within a class of development as set out in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) **that would be likely to have significant effects on the environment**. Part 2 of Schedule 5, Class 10 (b) (i) under Infrastructure Projects refers to Construction of more than 500 dwellings. Having regard to the nature and scale of the development which consists of 2no. residential units, on zoned land within an urban settlement, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required."

7.8.4. Environmental effects to be assessed in an EIA for potential significance include:

- a) population and human health;
- b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- c) land, soil, water, air and climate;
- d) material assets, cultural heritage and the landscape;
- e) the interaction between the factors referred to in points (a) to (d).'

7.8.5. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) sets out classes of development which may have significant effects on the environment and which therefore require an EIA to be carried out. Some classes of development mandatorily require EIA while others have thresholds.

7.8.6. All classes of development and their respective thresholds relevant to this proposed development are set out in appendix 1 to this report. A sub-threshold screening exercise was carried out in this case as the development is a class of development but is below the threshold.

7.8.7. The Case Planner concluded that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. As set out previously in this report however I determined that a preliminary examination was required and concluded as follows:

‘Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.’

7.8.8. Lastly, the appeal refers to the Case Planner’s Appropriate Assessment screening determination and contends that the determination is in itself a statement which ‘*lays the groundwork for further development of the adjacent greenfield sites and that it is in fact premature in this planning stage to be able to state the above with certainty.*’ It bases this contention on the wording set out in the determination as follows:

“the proposed development, by itself or in combination with other plans or projects, would not have a likely significant effect...”

7.8.9. The wording in the determination is based on language used in the EU Habitats Directive which requires consideration of the impacts of plans and projects on a narrow focus of European designated habitats and species, their qualifying interests and their conservation objectives only. In this context, such plans and projects include County Development Plans, Local Area Plans and planning applications including both permitted proposals and ‘live’ applications where an application was lodged but a decision not yet reached. County Development Plans and Local Area Plans are subject to Appropriate Assessment due to factors such as land use zoning, future growth populations and movement strategies. *Potential* development proposals however which have not yet sought planning permission, are not and can not be considered in a screening exercise as it is impossible to make such a determination in the absence of detailed information contained in a planning application. Potential future developments therefore, in my view, are not yet considered plans and projects within the scope of Appropriate Assessment.

7.8.10. I have carried out a screening exercise in the next section of this application which screens out impacts to European sites. I also note the Applicant's screening report as well as the Case Planner's determination which all come to the same conclusion.

7.8.11. I do not agree with the appellants suggestion that reaching such a conclusion is premature as the determination is based on best available scientific evidence at the time of making the decision. I also do not agree that such a conclusion lays the groundwork for future development as each and every plan and project is subject to appropriate assessment in its own right and the conclusion does not infer the acceptability of potential future development proposals.

8.0 AA Screening Determination

8.1.1. 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 Rahasane Turlough SAC and SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.1.2. This determination is based on:

- The domestic nature and small scale of works.
- The location and 14km downstream separation distance between the European sites and the discharge location from Loughrea WWTP.

8.1.3. Please refer to the full screening exercise in Appendix 2 for more information.

9.0 WFD Screening

9.1.1. The site is situated on greenfield lands in an urban area on well drained soils and limestone till. Lough Rea is situated 120m to the south and southeast however the intervening area mainly comprises built ground and urban development. A branch of the Kilcolgan river is situated 350m northwest however there is no known connectivity to this section of the river. The main channel flows out of the lake 1.5km

east of the site and flows north and then west eventually discharging to Dunbulcaun Bay at the east of Galway Bay.

- 9.1.1. The site is situated in the Kilcolgan_SC_010 WFD subcatchment and overlies the GWDTE-Rahasane Turlough (SAC000322) bedrock aquifer which is locally important and moderately productive in local zones only.
- 9.1.2. The proposed development seeks to construct 2no. residential units and all associated works including connection to public water services.
- 9.1.3. 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 (meaning both good chemical and good ecological status), and to prevent deterioration. This assessment is set out in Appendix 3.
- 9.1.4. 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.
- 9.1.5. The reason for this conclusion is as follows:
 - The urban infill and domestic nature and the moderate scale of the works.
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
 - Connection to existing public water services.

9.2. Screening Conclusion

- 9.2.1. 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.

10.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

11.0 Reasons and Considerations

Having regard to the location of the existing residential site within the existing built up area of Loughrea on zoned and serviced lands, the provisions of the Loughrea Local Area Plan 2024-2030 and the Galway County Development Plan 2022-2028, the established pattern of residential development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of design and layout, would not result in the creation of a traffic hazard, and would not seriously injure the amenities of neighbouring properties in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings and boundaries shall be submitted to, and</p>

	<p>agreed in writing with, the planning authority prior to commencement of development.</p> <p>Boundaries facing public open spaces shall be finished with local stone unless otherwise agreed with the Local Authority.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>A naming and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of urban legibility.</p>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> (i) Existing trees, hedgerows and walls, specifying which are proposed for retention as features of the site landscaping. (ii) The measures to be put in place for the protection of these landscape features during the construction period. (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species. (iv) Hard landscaping works, specifying surfacing materials, furniture including seating accessed by a footpath connected to existing footpaths and finished levels. <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p>

	<p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development[or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
6.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services and</p>

	<p>shall include SUDS and hydrocarbon interceptors.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
9.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to</p>

	<p>facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>The plan shall also outline measures to maximise alternative construction access routes to the site including for deliveries and construction phase car parking in order to reduce construction related traffic through The Waterfront housing estate.</p> <p>Reason: In the interest of public safety and amenity.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p>

	Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
14.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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.

Sarah O'Mahony
Planning Inspector

07th January 2026

Appendix 1

Environmental Impact Assessment Screening Form 1 - Pre-Screening	
Case Reference	323693-25
Proposed Development Summary	2no. infill dwellings in urban area on serviced lands, connection to existing housing estate road and all public water services.
Development Address	Cuscarrick, Loughrea, 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.	
<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	

<p>proposed road 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 checked="" 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>Class 10 (b)(i) Construction of more than 500 dwelling units. Threshold = 500 units. Proposal = 2 units</p> <p>Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Threshold = 10ha Proposal = 0.0.092ha</p> <p>Class 11(dd) All private roads which would exceed 2000 metres in length Threshold = 2km Proposal = 20m</p> <p>Roads Regulations, 1994, as amended: Article 8(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area; Threshold = 4 lanes and 500m in length. Proposal = 2 lanes and 2m in length.</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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)

No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

<p>Characteristics of proposed development</p> <p>(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>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.</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,</p>	<p>The development is situated in an urban area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The development is removed from designated sites and landscapes of identified significance in the County Development Plan.</p>

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development and works constituting development within an existing built up area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	2no. infill dwellings in urban area on serviced lands, connection to existing housing estate road and all public water services.			
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.092 greenfield site is serviced and in an urban area. A short timeframe is likely to be required having regard to the minor scale and footprint of the works.</p> <p>The site is situated 120m northeast of Lough Rea Special Area of Conservation (SAC) and Special Protection Area (SPA). Slieve Aughty Mountains SPA is situated 3.8km south of the site. Rahasane Turlough SAC and SPA is situated 11km northwest of the site and also 14km downstream from the discharge point to the Kilcolgan river from Loughrea WWTP</p>			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	No			
The third-party appeal references potential downstream water quality impacts as a result of increased hydrological loading at Loughrea WWTP which is already experiencing exceedances to the emission limit values attached to its discharge license.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Rea SAC	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Conservation Objective July 2019	120m	Yes	No. The lake is situated 2km upstream of the WWTP discharge point and therefore there is no likelihood of contaminants entering the lake.

Lough Rea SPA	Coot (<i>Fulica atra</i>) [A125] Shoveler (<i>Spatula clypeata</i>) [A857] Wetland and Waterbirds [A999] Conservation Objectives Jan 2025	120m	Yes	No. The lake is situated 2km upstream of the WWTP discharge point and therefore there is no likelihood of contaminants entering the lake.
Slieve Aughty Mountains SPA	Hen Harrier (<i>Circus cyaneus</i>) [A082] Merlin (<i>Falco columbarius</i>) [A098] Conservation Objectives Dec 2022	3.8km	No	No due to lack of ecological connections
Rahasane Turlough SAC	Turloughs [3180] Conservation Objectives Dec 2020	11km direct separation or 14km via hydrological connection	Yes via hydrological connection from WWTP Discharge to Kilcolgan river.	Yes
Rahasane Turlough SPA	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wigeon (<i>Mareca penelope</i>) [A855] Wetland and Waterbirds [A999] Conservation Objectives Jan 2023	11km direct separation or 14km via hydrological connection	Yes via hydrological connection from WWTP Discharge to Kilcolgan river.	Yes

I note the applicant's AA Screening Report refers to 4no. additional European sites as being potentially situated within the zone of influence however having regard to their individual characteristics, location and lack of connectivity to the site, I do not agree that they are situated within the zone of influence and therefore have not included them in the list above.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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	Impacts	Effects
Site 1: Rahasane Turlough SAC (000322) Turloughs [3180]	Direct: None Indirect: The SAC is hydrologically connected to the site via a discharge from Loughrea WWTP to the Kilcolgan river. This may lead to a potential impact on water quality in terms of increased nutrients. Loughrea WWTP is already the subject of regular exceedances to its emission limit values.	There is a 14km separation between the discharge point and its downstream connection into the SAC meaning the effect of any potential indirect impact is highly unlikely to be of any significance due to dilution and dispersal along the course of the river. The WWTP has hydraulic capacity and the proposed development represents 0.11% of the total designed capacity of the WWTP. It is therefore unlikely that the proposed 2no. dwellings would result in a significant negative impact to Rahasane Turlough SAC.
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
	Impacts	Effects
Site 2: Rahasane Turlough SPA (004089) Whooper Swan (Cygnus cygnus) [A038] Golden Plover (Pluvialis apricaria) [A140] Black-tailed Godwit (Limosa limosa) [A156] Greenland White-fronted Goose (Anser	Direct: None Indirect: The SPA is hydrologically connected to the site via a discharge from Loughrea WWTP to the Kilcolgan river. This may lead to a potential impact on water quality in terms of increased nutrients. Loughrea WWTP is already the subject of regular exceedances to its emission limit values.	There is a 14km separation between the discharge point and its downstream connection into the SPA meaning the effect of any potential indirect impact is highly unlikely to be of any significance due to dilution and dispersal along the course of the river. The WWTP has hydraulic capacity and the proposed development represents 0.11% of the total designed capacity of the WWTP. It is therefore unlikely that the proposed 2no. dwellings would result in a significant negative impact to Rahasane Turlough SPA.

albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999]		
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Rahasane Turlough SAC and SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

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 Rahasane Turlough SAC and SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The domestic nature and small scale of works.

- The location and 14km downstream separation distance between the European sites and the discharge location from Loughrea WWTP.

Inspector: _____ **Date:** _____

WFD IMPACT ASSESSMENT**STAGE 1: SCREENING****Step 1: Nature of the Project, the Site and Locality**

An Bord Pleanála ref. no.	323693-25	Townland, address	Cuscarrick, Loughrea, Co. Galway
Description of project	2no. infill dwellings in urban area on serviced lands, connection to existing housing estate road and all public water services.		
Brief site description, relevant to WFD Screening,	<p>The site is situated on greenfield lands in an urban area on well drained soils and limestone till. Lough Rea is situated 120m to the south and southeast however the intervening area mainly comprises built ground and urban development. A branch of the Kilcolgan river is situated 350m northwest however there is no known connectivity to this section of the river. The main channel flows out of the lake 1.5km east of the site and flows north and then west eventually discharging to Dunbulcaun Bay at the east of Galway Bay.</p> <p>The site is situated in the Kilcolgan_SC_010 WFD subcatchment and overlies the GWDTE-Rahasane Turlough (SAC000322) bedrock aquifer which is locally important and moderately productive in local zones only.</p>		
Proposed surface water details	Connection to existing public drain		

Proposed water supply source & available capacity	Uisce Eireann mains water connection
Proposed wastewater treatment system & available capacity, other issues	<p>Connection to Loughrea WWTP which is an Uisce Eireann operated plant. The plant is operating with adequate available capacity but is experiencing exceedances of licensed emission limit values.</p> <p>The waterbody into which the WWTP discharges is the Kilcolgan_020 river. This is currently at Poor status and urban wastewater has been identified as a significant pressure' to the waterbody achieving Good Status by 2027 as required under Article 4 of the Water Framework Directive.</p> <p>The EPA's report <i>Urban Wastewater Treatment in 2024</i> published in 2025 identified Loughrea WWTP as being one of the 34 urban areas considered priority areas. They are prioritised as discharges from these areas were identified as the main source of pollution affecting receiving waterbodies. Appendix D of this report identifies areas where progress towards achieving the necessary improvements has been scheduled. No schedule of improvement works is set out for Loughrea WWTP and therefore the EPA have concluded in the report that Uisce Éireann has not given sufficient priority to progressing the necessary improvements at Loughrea WWTP.</p> <p>An assessment of the recent water quality downstream of the discharge from Loughrea WWTP to the Kilcolgan_020 waterbody (2.5km northeast of the site) shows that elevated ammonia and</p>

<p>orthophosphate were recorded in 2024 and 2025 which indicate that the WWTP continues to contribute to enrichment in the Kilcolgan_020 waterbody.</p> <p>The Annual Environment Report (2024) for the Loughrea WWTP as prepared by Uisce Éireann shows that annual average concentrations of Orthophosphate increased from 0.013mg/L as P upstream of the discharge to 0.068mg/l as P downstream of the discharge from the WWTP for 2024. This represents a 5-fold increase in orthophosphate levels in the river and considering the Environmental Quality Standard (EQS) for orthophosphate for Good Status in surface waters is 0.035mg/l as P, this represents a significant risk to this waterbody achieving good status.</p> <p>The EPA Biological Monitoring programme noted a Q-Value of 2-3 downstream of the discharge from Loughrea WWTP which indicates a poor ecological condition.</p>						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

River Waterbody	<p>The Kilcolgan_30 is situated 350m northwest of the site. The new dwellings however will connect to the public wastewater network which treats wastewater at Loughrea WWTP. The WWTP discharges to the Kilcolgan_20 at a location 2.5km northeast of the site. Kilcolgan_30 is a tributary of Kilcolgan_20 and due to the location of the WWTP directly to the Kilcolgan_20, this assessment will</p>	Kilcolgan_20	Poor	At risk	<p>Urban wastewater, agricultural activities and river urban runoff are all noted to be significant pressures on the section of the river upstream and downstream of the discharge point.</p>	Yes.
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	discuss the status and risk etc of the Kilcolgan_20.					
Lake Waterbody	120m	Rea	Moderate	Not at risk	No pressures	The lake is hydrologically connected to the development via the WWTP discharge, however this is downstream of the Lake and therefore there is little likelihood for contamination of the lake due to the proposed development.
Groundwater Waterbody	Underlying site	GWDTE-Rahasane Turlough	Good	At risk	Agriculture, domestic wastewater	No – all surface water will discharge to the public drain.

		(SAC00032 2)					
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination ** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Kilcolgan_20	No pathway from site to river during construction stage.	N/A	N/A	No	Screened out

2.	Surface	Rea	No pathway from site to lake during construction stage.	N/A	N/A	No	Screened out
3.	Ground	GWDTE-Rahasane Turlough (SAC000322)	Pathway exists with good drainage characteristics	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
OPERATIONAL PHASE							
1.	Surface	Kilcolgan_20	Connection via discharge point from WWTP.	Hydrocarbon spillage	SUDS and hydrocarbon interceptors to be installed by condition	No	Screened out
2.	Surface	Rea	Upstream connection due to WWTP discharge point.	As above	As above	No	Screened out
3.	Ground	GWDTE-Rahasane Turlough (SAC000322)	Surface water collection network will be installed with little risk of ground infiltration.	As above	As above	No	Screened out

DECOMMISSIONING PHASE							
1.	NA						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	Objective 1: Surface Water Prevent deterioration of the status of all bodies of surface water	Objective 2: Surface Water Protect, enhance and restore all bodies of surface water with aim of achieving good status	Objective 3: Surface Water Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	Objective 4: Surface Water Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction works	Site specific construction mitigation methods to be set out and agreed in a CEMP	Site specific construction mitigation methods to be set out and agreed in a CEMP	NA	NA	YES
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc	NA	NA	YES
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	Objective 1: Groundwater Prevent or limit the input of pollutants into groundwater	Objective 2: Groundwater Protect, enhance and restore all bodies of	Objective 3: Groundwater Reverse any significant and sustained upward	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	and to prevent the deterioration of the status of all bodies of groundwater	groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	trend in the concentration of any pollutant resulting from the impact of human activity	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction works	Site specific construction mitigation methods to be set out and agreed in a CEMP	N/A	N/A	N/A
Stormwater drainage	Adequately designed SUDs features,	N/A	N/A	N/A

	permeable paving etc			
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Inspector: _____

Date: _____