



An  
Coimisiún  
Pleanála

# Inspector's Report

## PL-500442-GY-25

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<b>Development</b>	Retention of an element of 215mm high block wall to part of the eastern boundary of the site.
<b>Location</b>	Cosmona, Loughrea Shopping Centre. Athenry Road, Loughrea Co. Galway.
<b>Planning Authority</b>	Galway Co. Council
<b>Planning Authority Reg. Ref.</b>	2560271
<b>Applicant(s)</b>	Greenstream ULC.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	To Grant Permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	Sean Mc Garry.
<b>Observers</b>	Paul & Therese Kelly.
<b>Date of Site Inspection</b>	February 26 <sup>th</sup> , 2026.
<b>Inspector</b>	Breda Gannon

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## 1.0 Site Location and Description

- 1.1. The site is located on the Athenry Road (R446) on the western approach to Loughrea. Co. Galway. It is located within the urban environs of the town and accommodates a two-storey office building which has a single-storey block to the rear. It is adjoined to the east by a two-storey apartment block (Aras Riach) and The Maltings residential development. Loughrea Shopping Centre lies to the west, with associated car parking to the north. Vehicular access to the site is via the access road to the shopping centre. The site has dedicated car parking to the rear.
- 1.2. The boundary separating the site from the adjoining Maltings development is part block/part stone wall. A panelled fence has been erected within the curtilage of the site to the west side of the stone wall. The site is not accessible to the public and is located behind a narrow walkway running along the eastern side of the office building.

## 2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted with the application seeks the retention of an element of 215mm high block wall to part of the eastern boundary of the site. It relates only to that section of boundary wall to the rear of No.1 The Maltings
- 2.2. Further information on the application was requested on April 30<sup>th</sup> 2024, on the following matters:
  - Justification for the retaining wall, construction details and plans/drawings to include dimensions, levels etc.
  - Drainage mechanisms incorporated at installation stage to alleviate the potential for surface water to accumulate.
- 2.3. The response which was received on 28/10/25 was to the satisfaction of the planning authority.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the retention of the development subject to 3 no. conditions,

#### 3.1.1. Planning Authority Reports

The planning officers report of 30/4/25 notes that enforcement proceedings were issued in respect of unauthorised works on the site.

The area proposed to be retained is not accessible by the public and is enclosed behind a private walkway. Sightlines and visibility splays are not impacted by the development.

The subject site is not located within an identified flood risk area or in an area known to have flood in the past. No further assessment required.

There are no RPS, NIAH or recorded monuments on the site.

Having regard to the nature and scale of the development and the distance from European sites, it is concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site.

The applicant did not submit detailed drawings of the subject development or justification for its scale at this location.

The planning officers report of 19/11/25 considered that the matters raised in the further information request had been satisfactorily addressed.

#### 3.1.2. Other Technical Reports

- None.

#### 3.2. Prescribed Bodies

Transport Infrastructure Ireland issued a standard type response requiring that the planning authority have regard to the provisions of official policy for development proposals impacting national roads.

#### 3.3. Third Party Observations

An observation was received from Sean Mc Garry which raised issues relating to the enforcement notice, encroachment onto his property, safety and stability of the constructed boundary wall and removal of a mature Sycamore tree and a dry stone wall protected under S.I No 456/2011.

## 4.0 Planning History

**22/1261** – Permission granted for the construction of a two-storey and single storey office building (415 sq.m) and associated works.

**21/1788** – Permission granted for the construction of a two storey and single storey office building (372 sq. m) and all associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Loughrea Local Area Plan 2024-2030 which was adopted on July 15<sup>th</sup>, 2024 and came into effect on 26<sup>th</sup> August 2024.

Map 1A Land Use Zoning identifies the site within an area zoned C2 Commercial/ Mixed use with the following objective

*‘To provide for the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of serviced to surrounding neighbourhood area and opportunities for commercial enterprises, retail developments, residential developments and employment creation and which do not undermine the vitality and viability of the town centre’.*

### 5.2. Natural Heritage Designations

There are no Natural Heritage Areas in the vicinity of the site.

The site is not located within a European site. The closest European sites are as follows:

- Lough Rea SAC (Site code: 000304) located c300m south
- Lough Rea SPA (Site code 004064) located c 300m south.

## 6.0 EIA Screening

6.1. The development is not of a class for the purposes of EIA as per the classes of development set 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. Refer to Form 1 in Appendix 1 of this report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- Invalid application – the site maps show a red boundary that excludes the foundations. A Court Order in 2024 established that the middle of the old stone wall is the boundary between the two properties. The foundations and wall physically cross this established boundary onto appellant’s land without consent. An Coimisiún Pleanála is precluded from granting permission for retention as the application is invalid. Refers to Article 23(1)(a) of the Planning and Development Regulations ,2001.
- Contradictory drawings – refers to original application (22/1261) which showed the eastern building wall on the boundary with the ‘boundary maintained’. The current application for retention shows the wall set back with the foundation extending to the boundary. The foundation now occupies the space where the building wall was meant to be and extends beyond the boundary that was to be maintained.
- Engineer’s Admissions and Contradictions – DFK Consulting Engineers’ response to further information (22/10/25) contains critical admissions.
- Certificates of Compliance - cannot be presumed reliable without independent structural verification. The developer’s own engineer acknowledged safety concerns which were ignored.
- Structural Safety Concerns – the wall is over 2m high and functions as a retaining wall. No structural calculations have been provided for retaining wall design, loading from retained soil, foundation bearing capacity, claimed fin wall connections or interaction with the building structure.
- Procedural Fairness – site visit conducted before submission received. No further investigations despite substantial new evidence. A site meeting was

refused, despite numerous requests and detailed submission was dismissed. Refers to Section 153(1) and duty to properly investigate.

- Contrary to proper planning – Destroys protected structures (DM Standard 47- Stone Walls). Enforcement Notice issued which was not acted upon. It was allowed to expire and then retention permission granted for the same defective works.

The appeal is supported by a number of appendices, to which I draw the attention of the Commission.

## 7.2. Applicant's Response to the grounds of appeal

The response notes that a number of the grounds raised in the appeal do not pertain to the subject application and are outside the scope of the response. The focus is stated to be confined to the planning considerations arising from the application as described in the planning documentation. The following summarises the response.

- The layout plan for the parent permission (22/1261) showed the existing shared boundary wall between the subject site and the adjoining lands to the east as retained (Fig 1).
- During the groundworks and construction of the permitted development, a portion of the eastern shared boundary stone wall, along with existing scrub was removed.
- The boundary wall which was removed was located behind an existing wooden fence at No 1 The Maltings and continuous to the existing block wall at the boundary of the existing Aras Riach (Fig 2) apartment development and along the boundary of No 2 The Maltings. The shared boundary was located behind a single storey block garden shed at the rear of No 2.
- A new wall was built along the length of the shared boundary where the stone wall had existed. The portion of this new block wall which bounded No 2 The Maltings was later removed, at the request of and in consultation with Mr Mc Garry. As a course of remedy, the applicant rebuilt the wall which previously existed (a dry stone wall) and located the centre of the wall along the middle of the original boundary wall (Fig 4 & Fig 5).

- The remaining portion of the new block wall which bounds No 1 The Maltings is the structure which is described in the application for retention and the subject of this appeal. This structure does not share a boundary with No 2 The Maltings.
- Refers to Section 138 (1) of the Planning and Development Act 2000 (as amended) which establishes circumstances where the Commission may dismiss appeals. It is considered that the nature of the appeal is frivolous.
- The appellant has dispute regarding perceived encroachment onto his property. Pursuant to Section 34(2)(a) of the Planning and Development Act 2000 (as amended), the jurisdiction of planning authorities and the Commission is expressly confined to considerations relating to proper planning and sustainable development of an area. The Act does not confer any authority to adjudicate on matters of title, ownership or boundary disputes, which are civil matters and fall exclusively within the remit of the courts.
- The application documentation including the site location map outline the lands in the ownership of the applicant and the subject application site in accordance with Article 23(1)(a) of the Planning and Development Regulations 2001, as amended. The application was accepted as valid by the planning authority.
- It is considered that the issues raised in the appeal do not warrant overturning of the decision of the planning authority. The appeal introduces matters that fall outside the jurisdiction of the planning system, including alleged property encroachment, which is a civil matter properly addressed through the courts.
- In light of the foregoing and pursuant to Sections 34 and 138 of the Act, it is requested that the decision of the planning authority be upheld.

### 7.3. **Planning Authority Response**

No response.

### 7.4. **Observations**

The following summarises the submission:

- Owns the property at 1 The Maltings which adjoins the subject site.
- The encroachment of the wall within the boundary affects the enjoyment of the property and the value of the land.

- The wall was not built as per the specifications and details included in the application and further information submitted. This raises concerns in relation to the safety of the wall which further impacts on the enjoyment and value of the land.
- There are numerous planning issues arising in respect of the application and inaccuracies in the drawings and documents submitted as follows:
  - a) Landowner consent: The retaining wall is built within the property of 1 The Maltings without their consent.
  - b) Development description: The description of the development is inaccurate as it relates to the retention of a wall of 215mm, which is almost 3m high to the garden of 1 The Maltings.
  - c) Established timber fence boundary line: The timber fence referred to in the DFK's further information was not a boundary fence. It was constructed inside the original stone wall boundary by the tenants of 1 The Maltings (letter attached) due to the condition of the stone wall.
  - d) Boundary wall piers: The established wall piers referred to in DFK's letter and shown on Drawing No 22073/229 Rev A formed the ends of the side boundary walls to the rear garden of 1 The Maltings. The side boundary walls were not built into but built up to the original old stone wall. The original piers were inside the rear boundary of 1 The Maltings and are not in line with its boundary. The attached photograph shows the pier in the boundary wall between No 2 & 3 The Maltings and the stone wall clearly west of the pier and not connected.
  - e) Planning drawing inconsistencies: The planning drawings (P2-003) submitted with the original application (22/1261) clearly shows the eastern wall of the office building abutting the rear boundary wall to 1 The Maltings and with the notation 'existing boundary wall to be retained'. As can be seen from the drawing submitted in response to further information (22073/229 Rev A), a new retaining wall was built 567mm to 662mm east of the elevation of the building. If the development was constructed as designed the east elevation

abuts the original boundary of the site and therefore the retaining wall is clearly built within the curtilage of 1 The Maltings.

- f) Retaining wall structure: Drawing No 22073/229 Rev A shows the outline of the piers in the retaining wall with the notation '*Outline of 440mm piers in foreground/background*'. However, the photograph shows the piers are only 1.5 blocks wide with a maximum width of c 340mm. There is a major concern regarding the safety and stability of the wall.

The existing piers are not built into the existing pier as stated by DFK in their further information response. The photograph shows a clear gap between the new retaining wall and the original pier. This gives rise to major concerns in relation to the safety and stability of the wall. The inaccurate statement by DFK calls into question the reliability of other statements made.

The DFK drawing states that '*the stability of the wall is fully designed using fin walls to the rear of the wall which assist with the retaining element of it*'. No dimensions are provided and the fin walls are clearly compromised by the provision of the land drain along the base of the wall. From a visual inspection of the east side of the wall there is no evidence of the fin walls being tied into the retaining wall and no engineering details are provided.

The retaining wall is constructed at the edge of the foundation which is not standard practice. No engineering details or calculations are provided in relation to this non-standard construction, which raises further concerns in relation to the safety of the retaining wall.

- g) Drainage mechanism: No land drain was shown on the original drawings but is included in the same drawing submitted in response to further information. There is no evidence that the drain is in-situ and if it does it compromise the integrity of the structural fin walls which it passes through. The west side of the retaining wall should have been tanked below ground level to prevent water seepage and penetration. This has not been done and will allow water discharge to the adjoining property in breach of Condition 3(a) of the decision to grant.

DFK's response to further information states that 'the original loosely built stone wall would not have provided any resistance to seepage of water' . This is clear recognition of the fact that the stone wall, which was removed during development was the original boundary.

Furthermore, the ground on the west side of the stone wall was built up during construction of the office building. Prior to construction the ground on the west side of the stone wall was at a lower level and there was no risk of seepage through the wall.

- h) Boundary to rear of 2 The Maltings: The retention application only relates to part of the eastern boundary of the site. This is because the section constructed to the rear of 2 The Maltings was removed by the developer and the original stone boundary reinstated. The photo clearly shows the eastern elevation of the reinstated stone wall aligning with the western elevation of the block wall, for which retention is sought.

This is not accurately shown on DFK's Drawing 22073-229, which shows the stone wall twice its actual width, with the east elevation of the stone wall aligning with the east elevation of the block wall. The red site boundary and blue ownership line are shown along the eastern elevation of the stone wall as shown on the drawing and not in the centre of the narrower actual stone wall on site, which is the established boundary between the properties.

- i) Planner's report: There is no record of a subsequent site visit following the receipt of further information. The planner relied on the further information as accurate and was not aware of the numerous inaccuracies documented in the submission. The planner relies on the statement in the further information in relation to the timber fence being the 'established rear boundary' which is clearly shown is not the case and erroneously states that 'no letter of consent is therefore required'.

While the planner accepts that the statement that there is no evidence of any water penetrating this wall, the wall is relatively new and water seepage will happen over time. Disagrees with the planner's conclusion that the proposed retention would not seriously injure the amenities of property in the vicinity.

Requests the Commission to refuse permission for the retention of the wall.

## 8.0 **Assessment**

### 8.1. Introduction

Having examined all 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 inspected the site and its environs, and having regard to the relevant national and local policies and guidance, I consider the substantive issues to be considered are as follows:

- Land ownership
- Structural stability and safety of the boundary wall
- Validity of the planning application
- Other matters

### 8.2. **Land ownership**

The substantive part of the appeal revolves around the ownership of the land on which the wall to be retained is constructed.

The appellant who resides at No.2 The Maltings provides details of the planning history relating to the site and subsequent events. It states that foundations were constructed beyond the approved boundary onto his land, a 100+year old stone wall was demolished and a new wall constructed, with foundations which encroached onto his property. A subsequent Court Order dated November 21<sup>st</sup>, 2024, details of which are attached to the appeal (Appendix 1), established that the middle of the original stone wall is the boundary between the properties. In settlement it was agreed that the encroaching wall and foundations would be removed and a new stone wall erected along the entire site boundary.

I inspected the rear of appellant's from the side boundary at the rear of the adjoining office building. There is a shed located to the rear of his site, behind which a low dry stone wall has been constructed. It would appear that the works required by the District Court Order, which included the removal of a block wall and the replacement with a stone wall have been carried out. I also note that the appellant's participation in

the process was facilitated by the Court agreement, including the inspection of the removal of the block wall and the rebuilding of the new stone wall by his own engineer. The appellant has not provided any certification on foot of any such inspection by his engineer, that the works have not been carried out in accordance with the agreement. There is no obvious encroachment of the wall to be retained into appellant's property, and it is unclear on what basis this is being claimed. The reference to encroachment onto No. 2 The Maltings is therefore outside the scope of the application and the appeal.

As noted in the applicant's rebuttal, the wall to be retained only bounds the rear of No 1 The Maltings, which is in the ownership of the observer. I inspected the wall from the rear garden of the property and also from the side boundary adjacent to the office building. I noted that the concrete block wall proposed for retention is constructed forward (east) of the reconstructed stone wall at the rear of No 2. It extends along the back of observer's property and connects into an existing pier at the boundary of the existing apartment building (Aras Riach).

Appendix 2 of the appeal is accompanied by a letter dated 15<sup>th</sup> March 2024 together with maps prepared by an independent surveyor. It shows the legal site boundary and the results of a site survey. While this submission it is not supported by an explanatory report, Dwg No's 24-250-BV-10A and 24-250-BV-11A would suggest that the wall to be retained is forward (east) of the legal boundary line and encroaches onto observer's property.

However, it remains applicant's contention that the wall was built along the shared boundary where the original stone wall existed. The observer's submission noted that the piers of the side wall along both sides of her property were built up to but did not connect into the original stone wall. It is further stated that a fence was constructed inside the stone wall. It may well be, that this fence which ran between the piers was ultimately interpreted by the developer as the rear boundary of No 1.

I would also note that neither party has submitted land registry documents showing respective site boundaries and their claims regarding title have not been substantiated. While, it would appear that there may be a level of encroachment, in the absence of evidence regarding the precise position and alignment of the original wall, is not possible to be definitive.

The applicant's response refers to section 34(2)(a) of the Act (as amended), which limits the jurisdiction of planning authorities and An Coimisiún to considerations relating to proper planning and sustainable development, and does not confer any authority to adjudicate on matters of title, ownership or boundary disputes.

The Development Management Guidelines for Planning Authorities (DoEHLG, 2007) clarify that the planning system is not designed as a mechanism for resolving disputes about title to land or premises, or, rights over land. These are ultimately matters for resolution in the Courts. On the basis of the information submitted with the application and the appeal, I do not consider that it is possible to conclude with any degree of certainty that the applicant has, or has not, sufficient legal interest in the land to make the application.

I do note that under the provisions of the Guidelines, where doubt remains, planning permission may still be granted and such a grant of permission is subject to the provisions of section 34(13) referred to above. Section 34(13) of the Act provides that a 'person shall not be entitled by reason of a permission under this section to carry out any development'.

### **8.3. Structural stability and safety of the boundary wall**

Issues have been raised in the appeal regarding the structural stability and safety of the boundary wall. The wall to be retained is a block wall construction, with fins on one side only (west facing) and is not plastered or capped. To the south, it connects into the existing boundary wall with the existing apartment block (Aras Riach). To the north, it terminates but is not tied into the rear wall of appellant's property due to the difference in alignment, materials and height between it and the stone boundary wall.

Under the provisions of the parent permission, it was intended that the original site boundary would be maintained and supplemented with planting. Consequently, there are no conditions regarding boundaries walls, construction details, height etc. The email referred to in the appeal and included in the appendices is dated May 14<sup>th</sup>, 2024. It makes suggestions to improve the stability and safety of an original wall design, towards achieving agreement between the two parties. It predates the District Court agreement of November 21<sup>st</sup>, 2024.

Responsibility rests with the developer to protect adjoining property and exercise due diligence regarding the stability and safety of the structure. I concur with the views expressed by the applicant that the issues are not planning considerations but civil matters which are beyond the scope of this appeal.

#### 8.4. **Validity of the planning application**

It is contended in the appeal that the submitted application is invalid in terms of the definition of the site boundary and does not comply with Article 23(1)(a) of the Planning and Development Regulations, 2001, as the foundations extend beyond the red boundary. The appellant refers to the originally approved development under the parent permission (22/1261) which shows the boundary wall of the building extending to the eastern boundary of the site, with the existing boundary maintained.

Article 23 (1)(a) sets out the requirements for site or layout plans. It requires that the site be outlined in red and buildings, roads, boundaries and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown. I note that the planning authority completed a detailed validation checklist of the application the site layout plan and concluded that the application was valid.

In the context of the subject appeal site there are three applications which are relevant to the subject application. In each one the eastern boundary, which is outlined in red, is consistent and coincides with the rear boundaries of the properties to the east. The accuracy or otherwise of the red line boundary, which is disputed, reverts back to the substantive issue of site ownership, which I consider is a civil matter, appropriately dealt with through the Courts.

#### 8.5. **Other matters**

**Drainage:** It is not possible to verify what drainage mechanisms were installed to prevent surface water from discharging to neighbouring property. This was raised in the request for further information and the submitted site section (Dwg No 22073-229 Rev A) shows a land drain buried in the gravel area between boundary wall to be retained and the office building. At the time of inspection, I did not observe any signs of ingress of surface water into neighbouring property. Should An Coimisiún be minded to grant permission for the retention of the development I recommend a

suitable condition be attached regarding the management and disposal of surface water in accordance with the requirements of the planning authority.

**Protected Structures:** I refer An Coimisiún to Map 2 of the Loughrea Local Area Plan 2024-2030. There are no Protected Structures on or in the vicinity of the site as contended by the appellant.

The appellant also refers to DM Standard 47, which is included as a Development Management Standard in Chapter 15 of the Galway Co. Development Plan 2022-2028. It requires that field patterns, stone walls, trees and hedgerows, recognised as an important part of the visual quality of rural areas be retained and incorporated into new development layouts where feasible. It has no application in the context of the subject development which is located in a built up urban area.

Similarly, the appellant reference to S.I 456/2011 relating to compliance with the EIA Directive for certain categories of farm applications has no relevance to the subject application.

**Section 138(1) of the Planning and Development Act, 2000(as amended) :** The applicant considers that the appeal should be dismissed under section 138(1)(b) of the Planning and Development Act 2000 (as amended) as it raises issues relating to boundary dispute, land ownership, matters relating to the stability and safety of the constructed wall, which the Act does not confer any authority on An Coimisiún to adjudicate.

Notwithstanding the issues of title, I have no objection to the retention of the boundary wall, which protects the privacy of the dwelling at No 1 The Maltings. The visual impact of the wall is highly localised and confined to the immediate vicinity of the site. It is not visible from the public realm. Should An Coimisiún be minded to grant permission for the retention of the development, I recommend that provisions of Section 34(13) of the Act be brought to the attention of the applicant

## 9.0 AA Screening

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal to retain part of a wall constructed along the eastern boundary of the site in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Cosmona, Loughrea Shopping Centre, Athenry Road, Loughrea Co Galway.

No nature conservation issues were raised in the appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows.

- the scale and nature of the development
- the distance from the nearest European sites, and
- lack of connections

I conclude, on the basis of objective information, that the proposed 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework Directive

The proposal is to retain a section of the boundary wall along the eastern side of the site.

No water deterioration concerns were raised in the appeal. There are no water bodies close to the site.

I have assessed the 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 and ground waterbodies in order to reach good status (meaning both good chemical and 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 water and/or groundwater water bodies either qualitatively or quantitatively.

## 11.0 Recommendation

On the basis of the above assessment, I recommend that An Coimisiún grant permission for the retention of the wall for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to the established use of the site and the proximity of adjoining residential development, it is considered that subject to the conditions set out below, the retention of the wall as proposed would not detract from the visual or residential amenities of the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of October 2025 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity

2. The wall to be retained shall be suitably capped and completed in accordance with details to be submitted to and agreed in writing with the planning authority within one month of the date of this Order.

**Reason:** In the interests of proper development and visual amenity.

3. All surface water generated on the site shall be discharged in accordance with detailed requirements of the planning authority, to details to be submitted to and agreed in writing with the planning authority within one month of the date of this Order

**Reason:** In the interests of proper and efficient drainage

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Breda Gannon  
Planning Inspector

12<sup>th</sup>, March 2026

## Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500442-GY-25
<b>Proposed Development Summary</b>	Retention of an element of 215mm high block wall to part of the eastern boundary of the site.
<b>Development Address</b>	Cosmona, Loughrea Shopping Centre. Athenry Road, Loughrea. Co. Galway.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
(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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	
<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_