



Inspector's Report

PL-500736-GY-26

Development	Amendments to development reg. ref 21/1997 to include change of use from cafe to residential and associated site works.
Location	An Spidéal Thiar , Spiddal , Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2561349
Applicant(s)	Castlestar Developments Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Fóram Chois Fharráige Um Pleanáil Teanga CTR
Observer(s)	None
Date of Site Inspection	26 th March 2026
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.024 hectares is located at An Spidéal Thiar, Spidéal, Co. Galway. The site is situated on the northern side of the R336 Barr Na gCurragh and is within a designated Gaeltacht area.
- 1.2. The site currently comprises of a two-storey building which is served with 2 no. entrances along the front elevation and appears to be currently unoccupied. The building is a mid-terrace building which is bounded to the west by a public house 'An Nead' and to the west by a café 'Blath Fiain'. The site is also bounded to the north by an area of scrub/undeveloped land. Lands to the north appear to be in the ownership of the applicant.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for an amendment to a scheme permitted under PA Ref 21/1997. Permission was previously granted for a change of use to ground floor commercial unit and 1 no. first floor apartment with own door access to front, demolition of rear buildings, re-roofing works and construction of new rear extension, and ancillary site works and services.
- 2.2. The subject appeal is now seeking to amend the permitted scheme by seeking permission for a change of use from the permitted café use at ground floor level to provide for 1 no. residential unit, to overcome condition no. 4 of the parent permission which states 'the proposed café shall be operated as a single retail unit and no subdivision of change of use shall take place unless authorised by a planning permission'.
- 2.3. The application also included for minor amendments to the size of the extension footprint approved under PI. Ref 21/1997 to meet residential open space standards in the rear garden.
- 2.4. Reconfiguration of the approved internal layout under PI. Ref 21/1997 to support this change of use and otherwise improve the functionality of the units. Minor amendments to the façade on all elevations to include the repositioning, addition, and removal of windows and doors to support the change of use. All associated site and ancillary work necessary to facilitate the proposed development, including updates to the bin store,

inclusion of rooftop solar PV, and removal of outdoor dining space associated with the café.

- 2.5. While I note that a request further information was issued by the Planning Authority this did not impact on the design of the proposal.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following a request for further information, the Planning Authority granted permission on the 15th January 2026 subject to 11 no. conditions. Conditions of note are as follows:

- Condition no. 2:

The proposed development hereby permitted shall be utilised as indicated on the documentation submitted with the planning application and notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), and any statutory provision amending or replacing them, no change of use or intensification shall take place unless otherwise authorised by a prior grant of planning permission.

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

- Condition no. 3:

One of the residential units hereby permitted by the permission, as governed by the parent permission under PI. Ref. 21/1997, shall be restricted to use as a residential unit by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the Planning Authority, for a period of 15 years.

Prior to commencement of development, the developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate one residential element of the development for the use of occupants who have an appropriate competence/fluency in Irish.

Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to and agreed in writing with the Planning Authority prior to the finalisation of the agreement hereby conditioned (Qualification for the Sceim Deontais Tithe will automatically qualify). No unit shall be occupied until an agreement has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Act, 2000, as amended.

REASON: To ensure that *development in the area in which the site is located is appropriately restricted.*

- Condition no. 11

Section 48 Financial Contribution of €2,834.50.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer sets out details of the site location, the proposed development, planning history pertaining to the subject site, relevant planning policy, report received from internal and external consultees, summary of submissions received and provides for an EIA, AA and Floor Risk Screening determination.

The assessment notes that this is an amendment application to a permitted scheme and that having regard to the zoning of the site, and that of the planning history on the site, the development was considered acceptable in principle and that the proposed development would provide for a further 1 no. residential unit on a brownfield site which would not exceed the Core Strategy figure for Spidéal.

However, concern was raised over issues relating to the obligation of the applicant to satisfy the Part V requirement as no Section 96 Exemption Certificate has been issued and also the requirement of the applicant to address Objective GA 5 of the Galway County Development Plan 2022-2028 given the location of the site within the Gaeltacht. As such the applicant was requested to submit the following further information:

Item 1

Applicant has not submitted a Linguistic Impact Statement for this development which is located in the Gaeltacht area. As per Policy Objective GA 5 of the Galway County Development Plan 2022-2028 there is a requirement for the submission of a Linguistic Impact Statement for housing proposals for two or more units in the Gaeltacht area, in order to protect and strengthen the Irish language and cultural heritage of the Galway Gaeltacht – address this.

Item 2

Submit a copy of the Section 96 Certificate of Exemption issued by Galway County Council relating to this proposal.

The applicant submitted the following response to the Planning Authority on the 15th December 2025:

- A Linguistic Impact Statement.
- Section 96 Certificate of Exemption.

The second report of the Planning Officer, dated the 13th January 2026, noted that the request of further information has been satisfactorily addressed. However, it further states that while the Linguistic Impact Statement states that the proposal will provide 1 new residential home, this is an amendment to the permitted parent permission under Pl. Ref. 21/1997, and as such will result in 2 no. residential units. Therefore, the reports recommend that one of the residential units shall be restricted to use as a residential unit by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the planning authority, for a period of 15 years given the location of the site within District D Cois Fharrage of Connemara and Policy Objective GA 4 is applicable.

The report concludes recommending that permission be granted in line with the decision issued by the Planning Authority.

3.2.2. Other Technical Reports

None received.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – dated the 30th September 2025.

Requests that the Planning Authority have regard to Official Policy – DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and Proposals.

3.4. **Third Party Observations**

The planning authority received 2 no. submission which raised the following concerns:

- A Language Enurement Clause of 15 years should apply.
- Proposed units should comply with Policy Objective GA 5.
- Language Impact Statement should be included.
- Appropriate standard as per Fráma Tagartha Comónta Eorpach do Theangacha is implemented; and
- Signage along the R336 is in Irish only or bilingual with Irish as the primary language.

4.0 **Planning History**

PA Ref 211997 Permission GRANTED for (A) change of use to ground floor commercial unit and 1 no. first floor apartment with own door access to front, (B) demolition of rear buildings, re-roofing works and construction of new rear extension, (C) associated signage/shop front to commercial unit, (D) ancillary site works and services. Gross floor space of proposed works: 209.94 sqm. Gross floor space of any demolition: 89.1 sqm.

5.0 **Policy Context**

5.1. **Galway County Development Plan 2022-2028**

5.1.1. Volume 1

An Spidéal is designated as a ‘Small Growth Village’ within the Coree Strategy of the County Plan which has a designation of 9 no. residential units to be provided for on infill/brownfield sites as per Table 2.11 – Core Strategy Table.

Relevant policies are considered as follows:

Chapter 6: Transport and Movement

- ILUTP 1 - Sustainable Transportation
- WC 1 Pedestrian and Cycling Infrastructure
- PT 1 - Sustainable Modes of Transport
- NRR 7 – Mobility Management Plans
- NNR 8 - Car Parking

Chapter 7: Infrastructure, Utilities and Environmental Protection

- WW 7 - Sustainable Drainage Systems
- WM 2 - Requirements for Waste Management

Chapter 8: Tourism and Landscape

- LCM 2 - Landscape Sensitivity Classification
- PVSR 1 – Protected Views and Scenic Routes

Chapter 10: Natural Heritage, Biodiversity and Green/Blue Infrastructure

- NHB 1 - Natural Heritage and Biodiversity of Designated Sites, Habitats and Species
- NHB 2 - European Sites and Appropriate Assessment
- NHB 3 - Protection of European Sites

Chapter 12: Architectural, Archaeological and Cultural Heritage

- AH 4 – Architectural Conservation Areas
- ARC 4 - Protection of Archaeological Sites
- ARC 5 - Development Management

Chapter 13: The Galway Gaeltacht and Islands

- GA 1 – Linguistic and Cultural Heritage of An Gaeltacht

Chapter 14: Climate Change, Energy and Renewable Resource

- FL 2 - Flood Risk Management and Assessment
- FL 3 - Principles of the Flood Risk Management Guidelines

- FL 6 - Surface Water Drainage and Sustainable Drainage Systems (SuDs)
- FL 7 - Protection of Waterbodies and Watercourses
- FL 8 - Flood Risk Assessment for Planning Applications and CFRAMS

Chapter 15: Development Management Standards

- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements
- DM Standard 2: Multiple Housing Schemes (Urban Areas)
- DM Standard 20: Shopfronts
- DM Standard 31: Parking Standards
- DM Standard 36: Public Water Supply and Wastewater Collection
- DM Standard 60: Architectural Conservation Areas
- DM Standard 61: Archaeological Conservation and Preservation (Urban & Rural Areas)
- DM Standard 62: Energy Efficiency in Buildings
- DM Standard 63: Sustainable Design and Climate Action
- DM Standard 67: Sustainable Drainage Systems (SuDS)
- DM Standard 68: Flooding

5.1.2. Volume 2

The appeal site is zoned under objective Village Centre which seeks to provide for the development and improvement of appropriate village centre uses including retail, commercial, office and civic/community uses and to provide for a “Living over the shop” scheme Residential accommodation, or other ancillary residential accommodation.

The site is also situated within the Gaeltacht and the GCTPS. In addition, the site is situated along a designated scenic route.

Relevant policy objectives are as follows:

Policy Objective SSGV 1 Sustainable Village Centre

Promote the development of An Spidéal village, as an intensive, high quality, a well landscaped, human-scaled and accessible environments, with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the village. The village centre and associated main streets shall remain the primary focus for retail and service activity within these plan areas.

Policy Objective SSGV 4 Language Enurement Clause

A Language Enurement Clause will be applied on a portion of residential units in development of two or more units in An Spidéal. The proportion of homes to which a language enurement clause will be a minimum of 80% or to the proportion of persons using the Irish Language on a daily basis, in accordance with the latest published Census, whichever is greater.

5.2. **Natural Heritage Designations**

The appeal site is not situated within or directly abutting any Natura 2000 sites. The appeal site is situated c.1.78km to the south-east of the Connemara Bog Complex SAC (site code 002034) and the Connemara Bog Complex pNHA (site code 002034) and 3.556m to the south-east of the Connemara Bog Complex SPA (site code 004181). The site is also situated c.1.99km to the south-west of the Moycullen Bogs pNHA (site code 002364).

6.0 **EIA Screening**

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

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The Commission received a 3rd Party Appeal against the decision of the Planning Authority on the 4th March 2026. The ground can be summarised as follows:

- Submission made to the Planning Authority has not been accepted - requested that the Council complies with Galway County Development Plan (GCDP) 2022-2028.
- Condition no. 3 Considered to be in breach of Policy Objective GA 4 - Language Enurement Clause.
- Request that the two residential units, whether for sale or let, be included in the enurement clause.
- Two residential units represent 80% of the total number of units rounded to the nearest whole number, as set out in the GCDP.
- *Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to and agreed in writing with the Planning Authority prior to the finalisation of the agreement hereby conditioned* – Conflicts with a decision issued by An Coimisiun Pleanála ABP-322452-25.
- Request that the level in question in this case also be B2 and that an independent professional examiner conduct the evaluation.
- There is no ‘Linguistic Impact Statement’ included in the application, as set out in the GCDP.
- Request that a professional Linguistic Impact Statement be included as part of the application.

7.2. Applicant Response

The Commission received a response from the applicant which can be summarised as follows:

1. Application of Language Enurement Clause

- Proposal seeking permission for change of use from permitted café to one residential unit.
- Residential use at 1st floor already established and predates both parent and proposed development.

- Permission granted under PA Ref 21/1997 approved change of use from tourist information office and a proportion of the existing residential unit to a single café unit.
- Can not find an end tenant for café unit – no work carried out to date and ground floor configured as tourist office and existing residential unit.
- The change of use application is required due to condition no. 4 of 21/1997.
- Proposed development seeks refurbishment renovation of existing 1st floor residential unit already in physical existence and not subject of enurement clause and the creation of 1 no. new separate unit.
 - Only results in 1 no. new unit.
 - Policies SSGV4 and GA4 should not be applied.
- Important to note – Pleanail Teanga Chois Fharráige 2020-2027 identifies lack of suitable housing in Gaeltacht area as major driver of people leaving area and dilution of Irish Language:
 - Must recognise delivery of appropriately located residential units in integrated to sustaining linguistic and social fabric of the area.
 - Appellants reasoning only goes to slow down the delivery of housing – effect would be contrary to appellants own goals.
- Applicant is an experienced property developer with commitment to supporting the Irish language – Appendix 3 include applicants’ policy on Irish Language and the Gaeltacht.
- Appeal includes the following inaccuracies:
 - LIS not submitted – submitted in response to RFI.
 - Delaying development in Gaeltacht – does not support objectives of Foram Chois Fharráige Um Pleanail Teanga CTR.
- Applicant fully accepts provision of enurement clause on the single new apartment unit conditioned by Galway County Council.
 - Appeal is technically flawed.
 - Condition applied is wholly in accordance with relevant policy.

2. Linguistic Impact and proportionality – Comparison with ACP-322452-25

- Grounds of appeal rely on decision under ACP-322452-25 in support of:
 - a. Both units should be subject to enurement clause
 - b. Defined competence threshold equivalent to CEFR B2/TEG Meanleibheal 2.
- Circumstances of Ceol Na Mara materially different from current proposal
 - Finding of that case supports Planning Authorities proportionate and appropriate decision to accept that an enurement clause should only apply to the new apartment created by the change of use application.
- Language Impact Statement for Ceol Na Mara considered a development capable of introducing a substantially greater new population and new activity level within the Spiddal Village Centre and thus required assessment of the associated potential demographic change:
 - Concluded it was highly unlikely proposal would result in adverse impact.
- In contrast Ceol Na Mara provides for 10 units V's subject application providing 1 no. unit.
 - Potential demographic impact of 1 no. unit – minimal.
- Planning Authority imposed an enurement clause which is accepted by the applicant ensuring development will directly and positively contribute to the Irish speaking residential base in Spiddal – condition already imposed secures positive linguistic contribution.

3. Standard of Irish Language Proficiency/origin of B2 Irish Language benchmark.

- Reference to CEFR B2/TEG Meanleibheal level 2 appears in a number of recent Gaeltacht planning case:
 - B2 Threshold not in any planning policy.
 - No local objectives (Galway County Development Plan 2022-2028) prescribes a fixed language proficiency certificate level.
 - Relies only a 'competent in Irish'.

- Planning Authority have staff who interview prospective purchasers.
- Allows for a flexible assessment.
- Some Local Authorities do specify specific required standards:
 - B2 Standard evolved through language – planning discourse and stakeholder submissions.
 - Advocacy organisation suggests B2 level be required in a number of submissions made on different applications.
 - Applicant acknowledges the importance of protecting/preserving the Irish Language however there is an insistence on a high competency threshold also has to coincide with realistic housing market conditions.
- Under Planning Law Gaeltacht housing should be assessed against:
 - Scale of development and demographic influence of development.
 - Proportionality of any language related conditions.
 - Practical deliverability.
- National/Regional/Local planning policy must recognise a balance to protect Irish language and financial market viability.
- Ceol Na Mara decision included B2 standard (condition no. 29) reflects the influence of stakeholders recommendations responding to scale of individual planning applications.
- B2 standard should be understood as a stakeholder proposed standard rather than a planning requirement.
- Precedent set out does not establish any automatic requirement for a B2 certificate.
- Request that certification thresholds must balance against wider policy objectives and operate within realistic housing market conditions.
- Appellant requiring B3 Level under the Common European framework of reference for language – No legal basis for such a condition to be imposed in national/local policy.

- Applicant actively opposed to attempt of appellant to use appeal process and judiciary as a forum to seek change to national policy or as a means to attempt to change provisions of Galway County Development Plan
 - No policy sets standard for language proficiency.
 - Should seek change through policies not via appeal process.
- Intro of technical threshold and language standards without a clear basis in legislation policy undermines transparency and certainty of both planning process and the development management of the Gaeltacht.
- A condition with a specific language certification in neither proportionate to the scale of the development or relevant to the proper planning and sustainable development of Spidéal.
- Therefore requested that condition no. 3 remain as is.

4. Language Impact Assessment

- Was submitted to the Planning Authority on the 15th December 2025.

5. Irish Language Signage

- Condition no. 5 of the grant of permission supports the appellants request by placing a blanket ban on signage either in English or Irish.

7.3. **Planning Authority Response**

None received.

7.4. **Observations**

None received.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and inspected the site, and having

regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are:

- The Principle of the Development.
- Language Enurement.
- Standard of Irish Language Proficiency.
- Other issued.

8.2. Principle of the Development

8.2.1. This development is seeking permission to amend a previously permitted scheme (PA Ref 21/1997) to change the permitted café use to provide for an additional residential unit at ground floor level. Condition no. 4 of the parent permission (PA Ref 21/1997) restricted any amendment to the permitted café use in the absence of a further application for permission.

8.2.2. The appeal site is situated in the centre of An Spidéal and is zoned under objective 'Village Centre' which seeks to provide for the development and improvement of appropriate village centre uses including retail, commercial, office and civic/community uses and to provide for "Living over the shop" scheme Residential accommodation, or other ancillary residential accommodation. Therefore, the principle of development is considered to be acceptable.

8.3. Language Enurement

8.3.1. Condition no. 3 of the grant of permission requires that one of the residential units hereby permitted by the permission, as governed by the parent permission under Pl. Ref. 21/1997, shall be restricted to use as a residential unit by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the Planning Authority, for a period of 15 years.

8.3.2. The appellant to this appeal contends that condition no.3 applied by the Planning Authority is in breach of Policy GA4- Language Enurement Clause of the Galway

County Development Plan 2022-2023 and requests that the condition be amended to ensure that the 2 no. residential units be included in the enurement clause.

- 8.3.3. The applicant in response states that the residential unit at 1st floor level pre-dates the parent permission, PA Ref 21/1997, and as such the proposed amendment development only results in 1 no. new unit. It is argued that Policy Objective SSGV4 and GA4 of the Galway County Development Plan 2022-2023 should therefore not be applied. However, the applicant further states that they accept condition no. 3 as applied as it is considered that it will ensure development will directly and positively contribute to the Irish speaking residential base in An Spidéal.
- 8.3.4. Policy Objective GA4- Language Enurement Clause states under part (a) that a Language Enurement Clause will be applied on a portion of residential units in developments of two or more units in District D Cois Fharráige. The proportion of homes to which a language enurement clause will be a minimum of 80% or to the proportion of persons using Irish Language on a daily basis, in accordance with the latest published Census whichever is greater. A Language Enurement of 15 years duration will apply to approved developments in this category. Policy Objective SSGV4 of the County Plan reiterates Policy Objective GA4 and applies it to An Spidéal.
- 8.3.5. PA Ref 21/1997 granted permission for the change of use at ground floor level from tourist office and part residential to commercial to provide for a café unit and provide for a 1st floor apartment at ground floor level. The Planners Report associated with PA Ref 21/1997 stated that the site is currently occupied by a traditional 2-Storey building containing the former tourist office within part of the ground floor area, with the remainder of the building providing for a 3-bed residential unit.
- 8.3.6. I accept the comments put forward by the applicant in this instance and consider that the residential use at 1st floor level was established prior to the permission granted under the parent permission PA Ref 21/1997 and that the development as proposed results in the provision of only 1 no. additional residential unit at this location. I therefore consider that the requirements of the Language Enurement Clause under both Policy Objective GA4 and Policy Objective SSGV4 are not required.
- 8.3.7. However, given the willingness of the Applicant to retain condition no. 3 and deliver its requirements, I recommend that it be retained. I will discuss the standard of language required under the next section, Section 8.4, of my report below.

8.4. Standard of Language Proficiency.

- 8.4.1. Condition no. 3 of the grant of permission further states that '*Prior to commencement of development, the developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate one residential element of the development for the use of occupants who have an appropriate competence/fluency in Irish. Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to and agreed in writing with the Planning Authority prior to the finalisation of the agreement hereby conditioned. Qualification for the Sceim Deontais Tithe will automatically qualify.*'
- 8.4.2. The appellant contends that the wording of this condition is in conflict with a condition applied by An Coimisiún Pleanála under ACP-322452-25 which related to a residential development of 10 no. units at Ceol Na Mara. Condition no. 29 of that grant of permission required that '*the appropriate competence/fluency in Irish required to demonstrate compliance with this occupancy clause shall be akin to that required to at a minimum pass level B2 Meanleibheal 2 in the Teastas Eorpach na Gaeilge examinations*'. Therefore, the appellant is requesting that condition no. 3 be amended in line with same.
- 8.4.3. The Applicant in response notes that 'level B2 Meanleibheal 2' is not required by any policy within the Galway County Development Plan 2022-2023 or any other planning policy at either national or regional level. It is argued that the appellant is attempting to utilise the appeal process to drive their agenda which should be progressed through policy change and not the development management process.
- 8.4.4. From a review of the Galway Development Plan 2022-2028, I note that the plan, either within Policy Objective SSGV4, Policy Objective GA4 or the supporting text, does not make any reference to any specific competence/fluency linguistics level required to satisfy the Language Enurement pertaining to the Gaeltacht area. Furthermore, the applicant is correct in that there is no guidance on competence/fluency level requirement in terms of national or regional policy.

8.4.5. I note that assessment undertaken by the Commission under ABP-322452-25 considered the stringent standard and test for fluency as well as standards for its assessment were acceptable as the Applicant in that instance did not raise a concern over the inclusion of such in their response to the 3rd party appeal.

8.4.6. In this instance the applicant has raised a valid concern and given the willingness of the applicant to provide 1 of the 2 no. units even though it is not required, having regard to the pre-existing residential unit on site (refer to section 8.3.6), I consider it would be onerous to place such a requirement which has no policy basis on the applicant in this instance. I therefore recommend that the working of Condition no. 3 applied by Galway County Council remain un-changed.

8.5. **Other issues**

8.5.1. Linguistic Impact Statement

The appellant states that no Linguistic Impact Statement (LIS) was submitted as part of the applicator documentation. While I accept that no LIS was submitted with the original planning application documentation, an LIS was submitted on the 15th December 2025 in response to the request for further information issued by the Planning Authority.

8.5.2. Inadequate considerations of submissions

It is contended that the Planning Officer failed to give adequate consideration of the concerns raised by the objections made. It is argued that the Decision and conditions do not adequately address substantive concerns raised.

I note that the report of the Planning Officer sets out, in detail, issues raised by the 3rd party submissions received and provides a robust assessment of the proposed development. I therefore do not accept the concern raised by the 3rd party appellant in this instant.

9.0 **AA Screening**

9.1. 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 The Connemara Bog Complex SAC (site code 002034), The Connemara Bog Complex SPA (site code 004181) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.2. This determination is based on:

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

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

10.0 **Water Framework Directive**

10.1. The subject site is situated at An Spidéal Thiar , Spiddal , Co. Galway. The application is seeking permission for an amendment to a previously permitted scheme to provide for a change of use at ground floor level from café to residential.

10.2. The Owenboliska River is situated c.84.7m to the west of the site which has a moderate status. The site is also situated within the Spiddal groundwater catchment which has a good status.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;

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

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

11.0 Recommendation

I recommend that the decision of the planning authority be upheld and permission be granted for the reason and considerations set out below.

12.0 Reasons and Considerations

Having regard to the land use zoning objective pertaining to the subject site, the requirements of Policy Objective SSGV4, Policy Objective GA4 , it is considered that, subject to compliance with the conditions set out below, the development would not negatively impact upon the amenities of An Spidéal, would provide for an additional residential unit for the Gaeltacht 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 and completed in accordance with the plans and particulars lodged with the application received by the Planning Authority on the 18th September 2025, and as amended by the additional documentation received thereafter on the 15th December 2025, except as may otherwise be required in order to comply with the following conditions.

REASON: In the interest of clarity.

2. The proposed development hereby permitted shall be utilised as indicated on the documentation submitted with the planning application and notwithstanding the exempted development provisions of the Planning and Development

Regulations, 2001 (as amended), and any statutory provision amending or replacing them, no change of use or intensification shall take place unless otherwise authorised by a prior grant of planning permission.

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

3. One of the residential units hereby permitted by the permission, as governed by the parent permission under Pl. Ref. 21/1997, shall be restricted to use as a residential unit by those who can demonstrate the ability to preserve and protect the language and culture of the Gaeltacht, unless otherwise agreed in writing with the Planning Authority, for a period of 15 years.

Prior to commencement of development, the developer shall enter into a legal agreement with the Planning Authority (under the provisions of Section 47 of the Planning and Development Act, 2000, as amended), the purposes of which shall be to restrict or regulate one residential element of the development for the use of occupants who have an appropriate competence/fluency in Irish. Details of the standard of Irish to be achieved and method of evaluating this shall be submitted to and agreed in writing with the Planning Authority prior to the finalisation of the agreement hereby conditioned. (Qualification for the Sceim Deontais Tithe will automatically qualify). No unit shall be occupied until an agreement has been entered into with the Planning Authority pursuant to Section 47 of the Planning and Development Act, 2000, as amended.

REASON: To ensure that development in the area in which the site is located is appropriately restricted.

4. Material finishes shall be as indicated on plans submitted as part of the Planning Application unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

REASON: In the interest of visual amenity.

5. No additional signs, symbols, emblems, canopies or awnings shall be displayed or erected on the building or within the curtilage of the site without a prior grant of planning permission.

REASON: In the interest of visual amenity.

6. (a) All surface water generated by the development shall be disposed of within the site and shall not be discharged onto the road or the adjoining property.
(b) Only clean uncontaminated storm water shall be discharged to soakaway system or surface waters.
(c) The development shall not impair existing land or road drainage.

REASON: In the interests of proper planning and development.

7. Construction on site shall be limited to between 0800 hours and 1900 hours, Monday to Friday and between 0900 hours and 1700 hours on Saturday, unless otherwise agreed in writing with the Planning Authority. No work shall take place on Sundays, Bank or Public Holidays.

REASON: In the interest of residential amenity and orderly development.

8. The proposed development shall connect to the public water supply as per the details submitted to the Planning Authority.

REASON: In the interest of public health

9. The proposed development shall connect to the public sewer as per the details submitted to the Planning Authority.

REASON: In the interest of public health.

10. The demolition works on site shall be carried out in a safe and satisfactory manner. Materials shall be disposed of to an authorised landfill site or otherwise re-utilised in an authorised manner. Such demolition works shall be carried out so as not to cause damage to, interfere with nor infringe upon adjoining properties, nor cause damage to the public road or underground services.

REASON: In the interest of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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.

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.”

Kathy Tuck

Planning Inspector

29th April 2026

Appendix 1

EIA Pre-Screening

Case Reference	PL-500736-GY-26
Proposed Development Summary	Amendments to development reg. ref 21/1997 to include change of use from cafe to residential and associated site works.
Development Address	An Spidéal Thiar , Spiddal , 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	PL-500736-GY-26
Proposed Development Summary	Amendments to development reg. ref 21/1997 to include change of use from cafe to residential and associated site works.
Development Address	An Spidéal Thiar , Spiddal , Co. Galway
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	<p>Permission is being sought for an amendment to a previously permitted scheme to provide for a change of use at ground floor level from café to residential.</p> <p>Water connection and wastewater services will be provided from existing mains within the vicinity of the subject site.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
Location of development	The proposed site is located within an urban area; there are no significant sensitivities in the immediate area. The subject site is not located within a designated site. The appeal site is situated c.1.78km to the south-east of the Connemara Bog Complex SAC (site code 002034) and the Connemara Bog Complex pNHA (site code 002034) and 3.556m to the south-east of the Connemara Bog Complex SPA (site code 004181). The site is also situated

	<p>c.1.99km to the south-west of the Moycullen Bogs pNHA (site code 002364).</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
<p>Types and characteristics of potential impacts</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, 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.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

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

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development is seeking permission for an amendment to a previously permitted scheme to provide for a change of use at ground floor level from café to residential at An Spidéal Thiar , Spiddal , Co. Galway.

The Planning Authority, within their assessment, undertook a screening determination of the proposed development and found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. It was concluded that a full Appropriate Assessment of this project is therefore not required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development.

These are:

- The Connemara Bog Complex SAC (site code 002034)
- The Connemara Bog Complex SPA (site code 004181)

There are no direct natural hydrological connections from the subject site to any Natura 2000 Sites.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on The Connemara Bog Complex SAC (site code 002034), The Connemara Bog Complex SPA (site code 004181) or any other European site, in view of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

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

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