



Development

Construction of (a) two number, three bedroom dwelling houses, (b) proposed landscaping and car parking, (c) connection to existing services and (d) all associated site services

Location

Gorteenapheebera, Fortlands Meadows, Loughrea

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2561658

Applicant(s)

Jonathan & Evan O'Rourke

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Jonathan & Evan O'Rourke

Observer(s)

Gavin & Lisa Keary

Therese Loughnane

Resident of Fortlands Meadows

Martina Hawkins

Michal, Margaret and Barbara McNamara

Date of Site Inspection

30th March 2026

Inspector

Emma Gosnell

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Appendix 2 – Screening for Appropriate Assessment

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1.0 Site Location and Description

- 1.1. The appeal site is located in Fortlands Meadows housing estate in the townland of Gorteenapheebera c. 900m to the north-east of Loughrea town centre in Co. Galway.
- 1.2. The site is adjoined to the north by the boundary wall to a large undeveloped site fronting the Dublin Road. To the east is 'Charter House' a large, detached house with extensive landscaped grounds which are identified as a zone of archaeological notification for NIAH No. GA105-102 (School). The west and south-west sides of the site are lined with concrete bollards and front the terminus and turning head of the estate's internal access road which leads off the R942/R446 (Dublin Road) further to the north-west. The turning head would also appear to provide a means access to the development site located to the immediate north/ north-west of the lands (which is currently fenced off). The houses at No's 9-16 Fortlands Meadows are located to the south-west of the site, with a linear area of greenspace (east of the houses) located to its south-east. The wider area to the south, west and east is agricultural in character with the extensive St. Brendan's Park/ Loughrea GAA grounds being located further to the north on the opposite side of the Dublin Road.
- 1.3. The appeal site is 0.052ha in area and forms the northern part of the L-shaped public greenspace which currently serves the Fortlands Estate which comprises of 16 no. residential properties (3 no. detached houses, 10 no. semi-detached houses and a building consisting of four apartments (No. 1 Fortlands Meadows) comprising of 19 no. individual residential units. It comprises of an open grassed area, with tree planting, which slopes gently upwards away from the road. The northern boundary to the site is a concrete block wall, its eastern site boundary comprises of mature trees and hedgerows and there is no boundary on the south-east side of the site where it adjoins the remaining c. 620sq.m of the estate's greenspace.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of (a) 2 no. 3-bedroom semi-detached dwelling houses (max. height of c. 8.6m) in an L-shaped configuration with private amenity spaces to their side and rear, (b) proposed landscaping incl. new blockwork wall to eastern boundary, 4 no. car parking spaces and a new section of

footpath adjoining same, (c) connection to existing services and (d) all associated site services.

- 2.2. The northernmost dwelling, referred to on the plans as No. 18, is c. 110sq.m with a rear garden of c. 135.5sq.m. It is oriented east-west and fronts onto the existing turning head serving the Fortlands Meadows estate on its west side. The proposed dwelling to the south, referred to on the plans as No. 17, is c. 105sq.m with a private garden of c. 92sq.m on its east side. It is oriented north-south and would front onto the remaining area of estate greenspace together with the terminus of the internal roadway and No.16 Fortlands Meadows to the south. Both units are served by 4 no. perpendicular car parking spaces located to the front of no. 18 and to the side of No. 19. These spaces would be accessed directly from the existing estate turning head to the west.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission refused on 14th January 2026 for 1 no. reason:

“1. The proposed development would result in the loss of an area designated as public open space serving the existing residential development. The provision and retention of adequate and accessible open space is a key requirement of the Galway County Development Plan 2022–2028 and is essential to protect residential amenity and maintain the quality of the living environment. The proposed development would therefore contravene the stated Policy Objectives UL5 and DM Standard 2 relating to open space provision and would set an undesirable precedent for similar development, which would seriously injure the amenities of the area. The proposal is therefore considered contrary to the proper planning and sustainable development of the area”.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

1 no. PA report (14/01/2026) formed the basis of the decision to refuse.

- *Principle of Development* – whilst site is zoned for ‘Residential Infill’, proposal is located on part of the designated open space serving the Fortlands Meadows estate under P.A. Ref. 99/185 and would result in removal of publicly accessible

open space, diminish existing residential amenity and give rise to an undesirable development precedent. **Refusal Recommended.**

- *Design/ Residential Standards* – no issues in respect to same raised by PA.
- *Servicing/ Access* - noted confirmation of feasibility on file provides that both foul connection to public sewer and potable connection to public watermain are feasible without requiring infrastructure upgrades. However, Fortlands Meadows estate has unfinished infrastructure and has not been taken in charge by Galway County Council. PA have concerns regarding the condition/ construction standard of site services (incl. foul & storm water mains and road markings & signage etc.) which would also serve the proposal. Having regard to the substantive reason for refusal outline above, the PA did not pursue estate condition/ servicing issues as a basis for their refusal.
- *Flood Risk* – site not within a fluvial, pluvial, coastal or groundwater flood vulnerable area and has never flooded. Flood Risk Assessment not required.
- *EIA Screening* – No screening determination required on basis of nature and scale of development proposed.
- *AA Screening* – PA note project's potential to impact on Lough Rea SAC and Loughrea SPA. No formal screening determination provided.

3.2.2. Other Technical Reports

- *Roads and Transportation Dept. (13/01/2026)* – recommends refusal on basis of unfinished nature of Fortlands Meadows Estate under parent permission (P.A. Ref. 99/185).

3.3. Prescribed Bodies

No submission received.

3.4. Third Party Observations

6 no. third party submissions were received from Gavin and Lisa Keary; the Residents Association of Fortlands Meadows; Martina Hawkins; Kenneth & Gavin Keary; Barbara, Margaret and Michael MacNamara; and, Therese Loughnane. These raised the following issues:

- Site planning history and zoning.

- Contravention of previous planning permissions.
- Policy requirement for adequate public open space.
- Longstanding use and maintenance of subject lands by residents.
- Lack of safe/ accessible alternative amenity space in vicinity of estate.
- Biodiversity character of subject lands and loss of mature trees.
- Proposed house design out of character with estate.
- Visual impact arising from loss of greenspace.
- Proposal will give rise to diminution in existing residential amenity.
- Concerns raised regarding potential traffic increase in estate.
- Rezoning issues in context of preparation of Loughrea LAP.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 99/185 – application by Stephen O'Rourke for the construction for 16 no. houses at Gorteenapheebera, Loughrea, granted permission on the 31/05/1999 subject to 6 no. conditions, including:

“1 (a) The public lighting, roads, footpaths, sewers, watermains and open spaces shall be constructed in accordance with the requirements outlined in Galway County Councils Taking In Charge Policy for Private Housing Development (February 1999).

(b) E.S.B, Telecom, cable T.V. and other such services shall be laid underground.

Reason: In the interest of orderly development.”

P.A. Ref. 99/3075 – application by Stephen O'Rourke for proposed housing development (alterations to house design) at Gorteenapheebera, Loughrea, granted permission on the 17/04/2000 subject to 7 no. conditions.

4.2. Neighbouring Site (No. 6 Fortlands Meadows)

P.A. Ref. 00/3595 – application by O'Rourke & Sons Construction Ltd. for construction of dwellinghouse at Gorteenapheebera, Loughrea, granted permission on 01/01/2001 subject to 6 no. conditions [decision cited in observation received].

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (First Revision, 2025)

- NPO 7 (deliver 40% new housing in existing built-up footprint of settlements).
- NPO45 (increase residential density through infill development, increased height and more compact forms of development).

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024)

Table 1 (Core Strategy) of the Loughrea LAP states that the town had a population of 5,556 no. persons in 2016. It therefore falls within the definition of a 'large town' (5,000+ population) within the 2024 guidelines.

Table 3.5 (Areas and Density Ranges Key Towns and Large Towns (5,000+ population) sets out the area and density ranges for suburban/ urban extensions in large towns, with urban extension referring to lands at the edge of the existing built-up area that are zoned for residential or mixed-use (including residential) development. It provides that "*residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban/ urban extension locations (as defined in Table 3.8)*".

Table 3.8 (Accessibility) of the Guidelines defines an 'accessible location' as lands within 500m (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services. The subject site is located off the Dublin Road with 2 no. bus stops being proximate to the site which serve the Galway 920 bus routes. This service does not have a 10 minute peak hour frequency. On this basis, I do not consider the subject site to be in a highly accessible location.

- SPPR 1 (Separation Distances): A separation distance of at least 16m between opposing windows serving habitable rooms above ground level.
- SPPR 2 (Minimum Private Open Space Standards for Houses).

- SPPR 3 (Car Parking): In intermediate and peripheral locations, the maximum rate of car parking provision for residential development, where such provision justified to satisfaction of planning authority, shall be 2 no. spaces per dwelling.
- SPPR 4 (Cycle Parking and Storage): Mixed-use schemes that include housing required to include safe and secure cycle storage for residents and visitors (min. of 1 no. cycle storage space per bedroom plus visitor cycle parking).
- Policy and Objective 3.1 - Recommended residential density ranges be applied.
- Policy and Objective 4.2 - Key indicators of quality urban design and placemaking (sustainable & efficient movement; mix & distribution of uses; green and blue infrastructure; and, responsive built form) be applied in considering applications.
- Policy and Objective 5.1 - Public Open Space. 10-15% of net site area.

Appendix D: Design Checklist - Key Indicators of Quality Urban Design and Placemaking - 3. Green and Blue Infrastructure (Open Space, Landscape and Heritage (iii) Are public open spaces universally accessible and designed to cater for a range of active and passive recreational uses (taking account of the function of other spaces within the network).

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007) - Sections 5.3.2 (General Principles) and 4.9.3 (Public Open Space and Landscape Design) and Table 5.1 (Space provision and room sizes for typical dwellings).

Sustainable Residential in Urban Areas Guidelines (DoEHLG, 2009)

Section 5.9 (i) Infill residential development and 5.11 (f) Outer Suburban / 'Greenfield' sites - densities to a range of 20-35 dwellings per hectare. Whilst these guidelines have been revoked and replaced by the 2024 Compact Settlement Guidelines, they are relevant on the basis that they are specifically referred to in Table 15.1 of the GCDP.

National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “*whole of government, whole of society*” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a

renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan.

5.2. **Regional Policy**

Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032:

- *RPO 3.1* - Supports delivering compact growth and underutilised sites with an initial focus within town cores.
- *RPO 3.2 (c)* - Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.

5.3. **Development Plan**

The Galway County Development Plan 2023 – 2029 (GCDP) applies.

Loughrea

Loughrea is identified as a ‘Self-Sustaining Town’ (Level 4) within the settlement hierarchy. Its growth strategy is to consolidate this designation and continue to support the expansion of its employment base, with residential development being facilitated.

SS4: Self-Sustaining Towns (Level 4) - Support the development of Loughrea as a Self-Sustaining Town as outlined in the Core Strategy and Settlement Hierarchy in order to improve local employment, services and sustainable transport options in order to become a more self-sustaining settlement.

242 no. of Loughrea’s GCDP housing allocation (of 806 no. units for 1,400 persons) are to be delivered on infill/ brownfield sites.

Compact Growth and Placemaking

CS 2 and CGR1: Compact Growth, CS 3: Population Growth and CGR: Density.

UL1 – 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.

Table 15.1: specifies density ranges for Self-Sustaining towns:

- 25 u/p/h on town centre/ infill/ brownfield sites
- However, all proposals shall be in accordance with the Sustainable Residential in Urban Areas 2009 and Circular 02/2021. Density is only one variable used in the assessment of development proposals.

Relevant Development Management Standards

Sections 3.7.2 Layout and Design and 3.7.3 Housing Types/Design Mix.

PM 1 – Placemaking, PM 8 - Character and Identity, PM 10 – Design Quality, UL3 – Housing Mix and PM 11 – Details of Materials.

UL1 - 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.

UL2 – Layout & Design: To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

Section 3.7.4 Public and Private Open Space - The standards pertaining to the provision of private, semi-private and communal open space for residential development is set out in Chapter 15 Development Management Standards.

UL5 - Open Space: To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area.

DM 2: Multiple Housing Schemes (Urban Areas) - This standard is an all encompassing standard for new development and includes guidance on density, building height, private & public open space, design innovation, landscaping, safety & security, traffic safety and management, housing layout and mix.

Public Open Space: The provision of high quality accessible public open space should be set out as an integral part of the design process for proposed development. Deficiency of open space can vary in complexity and are highly context specific. For example, there may not be enough open space for the number of people living in an area. In other instances, there may be enough open space, but the mix of uses including provision for outdoor sport, play, relaxation or local food growing does not meet the needs of the community.

The proximity of open space to where people live, and work is an important factor underpinning the creation of the successful walkable neighbourhood. The closer people are to good open space, the more likely they are to use it and derive all the benefits that come from this. Co-location of open space uses, particularly in larger open spaces, should be considered and well-integrated to maximise the benefits to people, nature and the environment.

It is acknowledged that meeting the open space standard for quantity and location will be difficult or impossible in some circumstances. The planning authority will take a flexible approach in the interests of delivering good quality development and the wider Policy Objectives for placemaking. The barriers to delivery of the open space standard should be made clear by the applicant and collaborate with the council and stakeholders to overcome them in the first instance. This will involve working with developers, landowners, businesses, communities and stakeholders to ensure that the approach to identification of open space identifies creative solutions that delivers the maximum benefits overall.

The maintenance of public open space will be considered as appropriate as part of the application assessment. Open space calculations must be derived from accessible open space that is of a good standard for members of the public.

Safety and Security: The layout and design of new developments should consider appropriate Crime Prevention through Environmental Design (CPTED) principles to ensure the safety and security of residents and other users. This is set out in Chapter 11 Community Development and Social Infrastructure. Opportunities for vandalism and anti-social behaviour should be reduced to the greatest possible extent by ensuring that: areas used by the public (such as open spaces, footpaths, roads and parking areas) are overlooked by housing; there is adequate accessibility, visibility and lighting, particularly for pedestrians; a clear demarcation of public, semi-public and private areas is created; etc.

Private Open Space: Private Open Space shall be designed for maximum privacy and oriented for maximum sunshine and shelter. In general, a minimum back to back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking. Reductions will be considered in the case of single storey

developments and/or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved.

Overshadowing: The Council will require daylight and shadow projection diagrams to be submitted in all proposals where buildings of a significant height are involved or where new buildings are located very close to adjoining buildings. This will provide an element of control in situations where overlooking occurs. In general, there should be a distance of 22 metres between opposing first floor windows. This separation distance will be increased for developments over two storeys in height.

Parking/Access/ Servicing

DM Standard 31: Parking Standards (d) – (g). Table 15.5 sets out car parking standards for developments: Dwellings/Apartments (1-3 bedrooms) 1.5 Spaces Per Dwelling. States that plan promotes a modal shift away from the private car to more sustainable modes of transport. (f) Bicycle Parking Standards - Housing Developments: 1 private secure bicycle space per bed space (note - design should not require bicycle access via living area), minimum 2 spaces 1 visitor bicycle space per two housing units.

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads.

DM Standard 34: Mobility Management.

DM Standard 67: Sustainable Drainage Systems' (SuDS).

WS4: Requirement to Liaise with Irish Water: Water Supply - Ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.

DM 36: Public Water Supply and Wastewater Collection - All new developments will be required to utilise and connect to the public water and wastewater network, where practicable. Applicants who need to get a new or modified connection to public water supply or wastewater collection infrastructure must liaise with Irish Water. In the first instance, the applicant should make a pre-connection enquiry to Irish Water in order

to establish the feasibility of a connection in advance of seeking planning permission. Irish Water is not responsible for the management or disposal of storm water or ground waters.

5.4. **Loughrea Local Area Plan 2024-2030**

This LAP, which was adopted on 15th July 2024, came into effect on 26th August 2024 and was the subject of a Ministerial direction (dated 9th December 2024) which does not impact on the subject site. The LAP generally reinforces the objectives outlined in the GCDP and includes a Local Transport Plan for the town.

Zoning

The subject site (in addition to the development lands to its immediate north and north west) is zoned as ‘Residential Infill’ under the Loughrea LAP with the objective “*To provide small scale residential development on appropriate infill sites in accordance with proper planning and sustainable development and principles of good design.*”

Housing is permitted in principle on residentially zoned lands subject to the residential phasing set out under Policy Objective (PO) *LSST5 - Residential Development Phasing* as appropriate. However, it is noted that this PO applies to Residential (Phase 1) and Residential (Phase 2) lands only and not to the 3.7ha of lands zoned ‘Residential Infill’ to which PO *LSST6* specifically applies.

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.

In terms of the open space serving the Fortlands Meadows estate, it is noted that the portion of greenspace on the south-east side of the site (adjoining no. 16) is zoned for ‘OS – Open Space/ Recreation’.

Residential Infill

Section 2.3 of the Loughrea LAP states “*The National Planning Framework 2018 (NPF) targets a significant proportion of future urban development on infill/brownfield sites within the built footprint of existing urban areas. This is based on*

the objective of the NPF to promote compact growth and the consolidation of future development within existing footprints of built-up areas. Residential Infill zoning assists in meeting national policy objectives such as NPO 11 and NPO 35.

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. It is considered that infill residential sites offer a viable and more sustainable alternative to one off rural dwelling. There is a range of higher-density housing on the edge of the town centre of Loughrea. The existing town centre housing stock comprises of a general mix of traditional buildings of varying heights with some infill developments”.

Relevant Policy Objectives

LSST 2 – Service Led Development: Development under the plan shall be preceded by sufficient capacity in the public wastewater infrastructure and potable water infrastructure. Potential developers shall make a Pre-Connection Enquiry to Uisce Éireann in order to establish the feasibility of a connection to the public network.

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.

LSST 26 - Open Space, Recreation and Amenity: Promote the sustainable management, use and/or development, as appropriate, of open space/recreation and amenity lands. This will include:

- Development of open spaces and recreational activities, in accordance with best practice and on suitable lands with adequate access to the local community;*
- Existing open space, sport and recreational facilities should be retained unless it can be clearly demonstrated to the satisfaction of Galway County Council that these uses are surplus to requirements of the local community or are to be replaced by an equivalent or better provision;*

- *Appropriate management and use of any flood risk areas within the OS zone to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding; – Support the protection of habitats and species listed in the annexes to and/or covered by the EU Habitats Directive (92/43/EEC, as amended) and Birds Directive (2009/147/EC), and species that are protected under the Wildlife Acts, 1976-2000, and stepping stones or ecological corridors in the context of Article 10 of the Habitats Directive;*
- *Tourism;*
- *Encourage and assist the development of the tourist potential within Loughrea in a manner that protects the architectural, archaeological and cultural significance of the town and its environs in a sustainable manner.*

LSST 36 - High Quality, Contextually Sensitive Design: ensure that new developments are responsive to their site context and in keeping with the character, heritage, amenities, environment and landscape of the area. New development proposals will be required to complement the existing character of the area in terms of scale, height, massing, building line, urban grain and definition and through high quality design proposals for buildings/structures/shop fronts, the use of high quality, appropriate materials and the provision of appropriate signage, lighting, landscaping proposals and other such details.

LSST 66 Trees, Parkland/Woodland and Hedgerows:

- a) Protect important trees, tree clusters and hedgerows in the plan area and ensure that development proposals take cognisance of significant trees/tree stands. Ensure that all planting schemes use suitable native variety of trees (excluding Ash).*
- b) Seek to retain natural boundaries, including stone walls, hedgerows and tree boundaries, wherever possible and replace with a boundary type similar to the existing boundary where removal is unavoidable. Discourage the felling of mature trees where possible. All works to be carried out in accordance with the provisions of the Forestry Act, 1946 (as amended).*
- c) Carry out a tree survey on important tree stands within the plan area by suitably qualified personnel.*

Mapping

Relevant Loughrea LAP Figures are 1 – Land Use and Zoning and 2 – Movement and Transport Strategy.

6.0 Natural Heritage Designations

The site is not located within or adjoining a European Site.

The following European sites are located within proximity to the site:

European Site	Site Code	Distance
Lough Rea SPA	004134	c. 1.1km
Lough Rea SAC	000304	c. 1.2km
Slieve Aughty Mountains SPA	004168	c. 5km
Sonnagh Bog SAC	001913	c. 10km
Rahasane Turlough SAC	000322	c. 13km
Rahasane Turlough SPA	004089	c. 13km

The following proposed Natural Heritage Area is also located in proximity to site:

- Lough Rea pNHA (Site Code 000304).

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendix 1 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 an environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive

I have concluded, 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 (refer to form in Appendix 3 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (09/02/2026) and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

Zoning/ Use of Lands

- Lands are underutilised/ informally used by estate residents as amenity space and are not in use as a formal/ equipped play area.
- Lands zoned for 'Residential Infill' and identified as 'Opportunity Site' under Loughrea LAP and residential infill proposal accords with same.
- Designation of appeal site as Open Space under P.A. 99/185 does not equate to a statutory zoning objective or long-term protection from development under LAP or GCDP.
- The site's current zoning supersedes historic layout/ permissions on basis the PA did seek to maintain its open space zoning under the current LAP.
- PA refusal is contrary to site zoning and does not have a sound policy basis.

Public Open Space

- Refusal based on non-compliance with Policy UL5 & DM Standard 2 is unsound.
- Policy UL5 concerns the provision of open space in residential development and not the preservation of informal areas of open space in existing estates.
- DM Standard 2 does not preclude development where an estate will continue to be served by adequate public open space.
- The PA did not undertake a qualitative or quantitative assessment of the open space that would remain in the Fortlands Meadows estate post- development.
- The PA did not identify the policy standard of material deficiency that would arise.
- PA refusal reason is unsubstantiated and does not meet evidential threshold.

Design

- Design of proposal reflects the architectural character of Fortlands Meadows and will physically and visually integrate into the estate.

Residential Amenity

- PA have not identified any unacceptable impacts in respect to overlooking, overshadowing/ loss of daylight, visual dominance or incompatibility issues, traffic safety or congestion.
- No material planning harm is identified by PA and refusal is disproportionate.

Servicing/ Access

- Site is serviced and within walking distance of local services and public transport.
- Refusal on basis of unfinished nature of estate infrastructure/ taking-in-charge remedial works can be addressed by way of planning conditions.

9.2. Planning Authority Response

None received.

9.3. Observations

5 no. observations on the appeal were received from the following residents of the Fortlands Meadows estate: Gavin and Lisa Neary (18/02/2026), Therese Loughnane (03/03/2026), Martina Hawkins (05/03/2026), Residents of Fortlands Meadows (05/03/2026) and Barbara, Margaret and Michael McNamara (09/03/2026). These raised the following issues:

- Unacceptable loss of estate's multi-use primary communal greenspace.
- Longstanding (20+ year) use and maintenance of subject lands by residents.
- Remaining greenspace is too small and secluded to provide a safe environment for children to play.
- Lack of safe/ accessible alternative amenity space in vicinity of estate.
- Conflict with GCDP requirement for adequate and accessible open space.
- Contravention of previous planning permissions & setting undesirable precedent.

- Diminution in residential amenity and quality of estate/ living environment.
- Concerns regarding increase of traffic in the estate & pedestrian safety.
- Tree loss/ damage and environmental impact.
- Proposed haphazard design is out of character with estate.
- Loss of privacy and negative impact on visual amenity.
- Estate is unfinished and residents have sought that it be taken in charge by Galway County Council and proposal would be premature pending determination of same.
- Procedural queries raised regarding zoning of site in preparation of LAP.
- Incorrect house numbering in application documentation.

The observations were accompanied by the following enclosures: a copy of the Council's email response (dated 05/03/2026) to the taking in charge request submitted to them by estate residents following a plebiscite; a copy of a list of signatures of estate residents who object to the proposal; a copy of the decision notification issued in respect of P.A. Ref. 99/185; undated photographs of the appeal site in use by children playing; and, a copy of the report (dated 13/01/2026) of the Roads and Transportation Department on the application.

10.0 **Assessment**

10.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, 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:

- Principle of Development
- Layout and Public Open Space
- Other
 - House Design and Standard of Accommodation
 - Residential Amenity
 - Servicing

- Traffic and Parking
- Tree Loss/ Biodiversity
- Precedent
- Drawing Issue

10.2. Principle of Development

- 10.2.1. Permission is sought for an infill residential development of 2 no. houses on lands forming part of the Fortlands Meadows housing estate in the north-eastern suburbs of Loughrea town in Co. Galway.
- 10.2.2. The lands are zoned 'Residential Infill' under the Loughrea LAP Land Use Zoning Map, with the objective for the zone being to *"To provide small scale residential development on appropriate infill sites in accordance with proper planning and sustainable development and principles of good design."*
- 10.2.3. Whilst raising issues in respect to the principle of development, the PA did not raise any specific concerns regarding the proposal's compliance with the site's zoning.
- 10.2.4. The grounds of appeal state that, in addition to being specifically zoned for residential infill, the appeal site forms part of an 'Opportunity Site'. Section 3.0 of the Loughrea LAP defines opportunity sites as being underutilised and vacant sites within the town centre area of Loughrea which function to drive the delivery of quality housing, services, and employment opportunities in tandem with supporting social infrastructure and services. A series of maps identify these opportunity sites within the Loughrea settlement boundary. Having reviewed the location of same, I am satisfied that the appeal site is not identified as an opportunity site under the Loughrea LAP.
- 10.2.5. Section 2.3 of the Loughrea LAP provides that residential infill sites are 'gap sites' within the plan area that are typically capable of accommodating limited residential units thereby acting as more sustainable alternatives to one off rural dwellings.
- 10.2.6. The PA's refusal reason refers to the proposed development giving rise to the loss of a designated area of public open space serving the existing residential development (in Fortlands Meadows). In this regard, I note that LAP Policy LSST 26 (Open Space, Recreation and Amenity) provides that *"Existing open space...should be retained unless it can be clearly demonstrated to the satisfaction of Galway County Council that*

these uses are surplus to requirements of the local community or are to be replaced by an equivalent or better provision”.

- 10.2.7. The c. 0.052ha site subject of this appeal forms part of an L-shaped arrangement of public open space (totalling c. 0.135ha/ 1350sq.m) which formed part of the grant of permission for a residential estate of 16 no. houses on an overall site of c. 1.0153ha/ 10,153sq.m under P.A. Ref. 99/185, as subsequently amended by P.A. Ref. 99/3075. Prior to the adoption of the Loughrea LAP, this entire L-shaped area was zoned ‘Open Space/ Recreation and Amenity’ and subject to an objective “*To protect and enhance existing open space and provide recreational and amenity space*”. However, notwithstanding its previous function and zoning designation, it is now zoned for infill residential development under the Loughrea LAP, with the remaining public open space area (to the south-east side of the estate) retaining its ‘Open Space/ Recreation and Amenity’ zoning under the LAP.
- 10.2.8. The observers are of the view that the redevelopment of part of the estate’s existing public open space for housing would give rise to a contravention of the aforementioned planning permissions on the site. In this regard the observers have sought to draw the Commission’s attention to perceived procedural issues around the rezoning of the site as part of the recent preparation of the Loughrea LAP.
- 10.2.9. Whilst I acknowledge the concerns raised by the observers together with the wording of the PA’s refusal reason, I note that the proposal would not specifically contravene any conditions attached to those permissions (leaving aside the standard plans & particulars condition no. 1) and I consider that the change in the site’s zoning from ‘Open Space/ Recreation and Amenity’ to ‘Residential Infill’ under the adopted Loughrea LAP gives rise to a material change in circumstances relevant to the assessment of the proposal subject to this appeal. This is on the basis that ‘residential’ is permitted in principle under the site’s current zoning (being ‘not normally permitted’ under its previous zoning).
- 10.2.10. Therefore, in light of the foregoing considerations, I am satisfied that the proposal for 2 no. housing units on the residentially zoned lands is in keeping with the intent of its ‘Residential Infill’ zoning and that it is acceptable in principle under the terms of the LAP subject to the detailed considerations below.

10.3. **Layout and Public Open Space**

Layout

- 10.3.1. An L-shaped area of public open space comprising c. 1350sq.m, as per the plans permitted under P.A. Ref. 99/185, currently serves the Fortlands Meadows Housing estate. This communal amenity space is located to the east and north-east of the existing houses and is laid out as grass with incidental trees and planting. I observed children's play and sports equipment on various parts of the open space during my site inspection, in addition to bird feeders etc. hanging from trees within the space.
- 10.3.2. Policy UL5 seeks to ensure that open space is well planned, and, in this regard, I note that an observer considers that the proposal constitutes haphazard design which is out of character with estate.
- 10.3.3. Whilst I would have some concerns about the arrangement of the land use zonings in the estate under the Loughrea LAP, I acknowledge that the zoning of land is a matter for the PA and falls outside the remit of this appeal and in this regard, I note that no response from the PA was received on the appeal. The aforementioned change in the site's zoning under the adopted Loughrea LAP is what has given rise to the layout as now proposed. In considering same, I note that the proposal for 2 no. new houses on the north-east side of the estate will provide for a new residential frontage at this location and to a sense of greater physical enclosure within the existing estate, thereby giving rise to a change in the open, sylvan-type character of its eastern environs in favour of an increased density of residential development.
- 10.3.4. The proposal for 2 no. units on a site of c. 0.052ha/ 522sq.m (as per the submitted application form and site layout plan) gives rise to a gross density of c. 38uph. Table 15.1 (Residential Density) of the GCDP provides a unit density of '35 or site specific' in the case of infill residential development in key towns (such as Loughrea) whilst also stating that all proposals shall be in accordance with the Sustainable Residential in Urban Areas Guidelines (2009) and Circular 02/2021. Section 5.9(i) of these guidelines in turn states that "*the LAP should set out the PA's views with regard to the range of densities acceptable with regard to infill sites in large towns*" with Section 5.9 (i. *Infill Residential Development*) stating that, "*in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the*

protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area". Whilst the Loughrea LAP does not provide any specific guidance on density, I note from Table 1 (Core Strategy) that 25uph is given as being the average density in the settlement of Loughrea. Therefore, whilst the density proposed is above average for Loughrea with the housing having an atypical configuration on account of the constraints posed by the site, I am satisfied that it is generally in line with the guidance provided in Table 15.1 of the GCDP and in-keeping with the nature and form of development (2-storey predominantly semi-detached housing) in the wider Fortlands Meadows estate.

Public Open Space

- 10.3.5. The PA's refusal reason states that the provision and retention of adequate and accessible open space is a key requirement of the GCDP and is essential to protect residential amenity and to maintain a quality living environment. They form the view that the proposal would contravene GCDP Policies UL5 (Open Space) and DM Standard 2 (Multiple Housing Schemes (Urban Areas)) on this basis.
- 10.3.6. The appellant argues that the PA's reliance on UL5 as a basis for their refusal is unreasonable given that the intent of this policy is to govern the provision of new public open space and not to preserve all existing informal open space in existing estates. From my reading of the relevant policy wording, I am satisfied that it does not exclusively relate to provision in new development or residential schemes (in the same way that DM Standard 2 does). The clear policy requirement is that open space be well planned and considered relative to the scale (i.e. 21 no. units cumulatively between the existing and proposed units) and function (residential and to meet needs of a range of age groups) of the surrounding area. Furthermore, whilst I accept the appellant's point that the policy intent is proactive rather than preservative, based on the content of the third party submissions received and my own observations on site, I do not agree with their view that the appeal site is an underutilised area of open space within the estate and I note that whilst it is not formally laid out as a playground or for other amenity, it does currently function as an integral part of the public open space serving the Fortlands Meadows estate which is demonstrably actively used by residents on an ongoing communal basis.

10.3.7. The appellant also argues that DM Standard 2 does not preclude the development of lands specifically zoned for residential infill where a residential estate continues to be served by an adequate level of public open space. I acknowledge that the policy set out under DM Standard 2 generally relates to standards for new developments. However, I also note that it specifically requires that proposals for infill development consider site circumstances, including the provision of private open space for existing and proposed properties. In this way, its policy guidance in respect to the provision and layout of public open space, in terms of its quality and proximity/ accessibility to homes, is still helpful to consider in the context of the proposal for a revised open space layout that will serve both existing and new units.

10.3.8. In light of the foregoing considerations, I consider that the crux of the matter before the Commission is whether or not an adequate quantum of open space will remain post development and if this space would be of a sufficient quality.

Quantity

10.3.9. The proposal before the Commission would involve the redevelopment of the northern portion of the public open space which has historically served the Fortlands Meadows estate since its construction in the year c. 2000. This portion is located in the north-east corner of the housing estate and is stated area of c. 522sq.m. The proposal would leave a linear area of public open space on the south-east side of the estate which the submitted plans state comprises of c. 620sq.m, notwithstanding that the total area of public open space given on the site layout plan in respect of P.A. Ref. 99/185 is stated to be c. 1350sq.m which would have accounted for c. 13.3% of the gross site area.

10.3.10. The area of public open space that would remain is located to the side of No. 16 Fortlands Meadows and is linear in nature, being on average c. 12m wide and c. 37m in length. On the basis of my site inspection, I am not entirely satisfied that this area accounts for c. 620sq.m as stated, this being on account of extensive mature trees and hedgerows which line its east side and eat into its useable area. In line with the policy guidance set out under DM Standard 2 which states that "*Open space calculations must be derived from accessible open space that is of a good standard*", I consider it more likely that, in reality, this space accounts for closer to c. 450-500sq.m of public open space.

- 10.3.11. I note that GCDP DM Standard 2: Multiple Housing Schemes (Urban Areas) whilst dealing with the policy requirements around public open space does not specify a required standard of provision, nor are any specific standards set out elsewhere under the GCDP nor the Loughrea LAP.
- 10.3.12. Policy and Objective 5.1 of the 2024 Compact Settlement Guidelines require 10-15% of net site area be given over to public open space. Applying this requirement to the existing Fortlands Meadows estate in combination with the appeal proposal (i.e. in line with the aforementioned requirement of DM Standard 2) which together account of a site area of c. of c. 1.0153ha/ 10,153sq.m as per P.A. Ref. 99/185, the stated remaining open space of 620sq.m would account for a gross site area of just c. 6.1%. Whilst there is no information on the file regarding the area of the internal road network and footpaths etc. that would be subtracted in order to get the net site area, even from a rough approximation of same based on the submitted site layout plan, it is clear that the quantum of open space that would remain on account of the proposal would be in the order of c. 7-8% and would not meet the minimum requirement of 10% of the net site area required in compliance with the 2024 Compact Settlement Guidelines. given the qualitative concerns I outlined in the subsequent section of this report, I do not consider that the stated public open space requirement can be set aside in part.

Quality

- 10.3.13. DM Standard 2 requires that public open space be accessible and provided in proximity to where people live. In this regard, I note that the footpath on the south side of the estate leads to the public open space which is delineated from the internal roadway by a kerb, bollards and border gravel. This connection would remain would the development to be permitted.
- 10.3.14. The policy guidance set out under DM Standard 2 relating to ‘Safety and Security’ states that *“The layout and design of new developments should consider appropriate Crime Prevention through Environmental Design (CPTED) principles to ensure the safety and security of residents and other users. This is set out in Chapter 11 Community Development and Social Infrastructure. Opportunities for vandalism and anti-social behaviour should be reduced to the greatest possible extent by ensuring that: areas used by the public (such as open spaces...) are overlooked by housing; there is adequate accessibility, visibility and lighting, particularly for pedestrians; a*

clear demarcation of public, semi-public and private areas is created; etc". Similarly, Section 4.9.3 (Public Open Space and Landscape Design) of the 2007 Housing Guidelines states that, in designing open spaces, the following should be considered *"public open spaces should be appropriately located, should...be overlooked by adjoining dwellings or from frequented roads or footpaths to ensure that there is a measure of passive surveillance"* and *"open space should be laid out so that it is attractive and useable by the residents. Large undefined areas and negative leftover type spaces should be avoided, as should pockets of badly shaped, fragmented or unusable land which are difficult to maintain and may become locations for anti-social behaviour"*.

10.3.15. One of the observers argues that the greenspace that would remain (post-development) is too small and secluded to provide a safe environment for children to play. In this respect, I draw the Commission's attention to the fact that this area of open space is currently neither actively nor passively overlooked on account of its relatively insular nature, peripheral location and the fact that no. 16 does not feature any opes on its side gable.

10.3.16. Having considered the design and orientation of the proposed houses, I note that dwelling No. 17 would be oriented southwards and would partially overlook (via a ground floor kitchen window and a first floor bedroom window) part of the north side of the area of public open space that would remain. However, having regard to the guidance set out under DM Standard 2 relating to 'Safety and Security' in addition to that set out under Section 4.9.3 of the 2007 Housing Guidelines, I would be concerned that the majority of the open space area would not be adequately visible or capable of being surveilled in order to provide a safe and secure environment for users, my concerns being compounded by the fact that the remaining area of open space is not subject to any external lighting or to proposals to provide for same.

10.4. **Other**

House Design and Standard of Accommodation

10.4.1. The two semi-detached houses proposed are 2-storey with pitched roofs reaching a max. height of c. 8.6m. Each house would be served by an area of private amenity space which would be externally accessible to the side of the dwelling – in the case of unit No. 17 to the side (behind the front building line) and south facing and to the rear

and east-facing in the case of No. 18. Both houses would also be served by a small area of defensible space to the front comprising of landscaped buffers. An area of greenspace would also remain to the front (north-west) side of No. 18 beyond the shared car parking area serving the houses. It is not clear from the plans what the function of this space would be.

- 10.4.2. The west and south elevations of the houses will be visible from within the Fortlands Meadows estate and would be of a simple design and finished in red brick at ground floor level with render at first floor level. Whilst their form is more contemporary than that of the existing houses in the estate, I am satisfied that their proposed materials and finishes are in-keeping with the architectural character of same.
- 10.4.3. Having considered the design and layout of the proposed houses and private amenity spaces against the standards set out under Section 5.3.2 and Table 5.1 of the Quality Housing for Sustainable Communities Best Practice Guidelines (2007) in addition to the private open space standards set out under DM Standard 2 the GCDP, I am satisfied that the proposal is compliant with same and would provide for a good standard of future residential amenity.

Residential Amenity

- 10.4.4. Third parties have raised concerns relating to the diminution in the visual quality of estate and their living environment arising from the proposal, in addition to concerns regarding loss of privacy.
- 10.4.5. The appellant seeks to draw the Commission's attention to the fact that PA have not identified any unacceptable impacts in respect to overlooking, overshadowing/ loss of daylight, visual dominance or other incompatibility issues.
- 10.4.6. I acknowledge that there will be a change in the visual character of the estate and some loss in existing levels of visual amenity arising from the proposal. However, I consider that this is acceptable having regard to the site's residential zoning, to national – local policy (such as LAP Policy LSST8 (Compact Growth)) which supports consolidation and compact growth in built-up areas, and to the design of the proposal that is generally in keeping with the character of the wider estate as required in compliance with LAP Policy LSST36 (High Quality, Contextually Sensitive Design).

Overlooking/ Overbearance

- 10.4.7. DM Standard 2 specifically states that a separation distance of 22m should be provided between opposing first floor windows. Having considered the siting and layout of the proposal in context, I am satisfied that there is no likelihood that it would contravene this policy requirement.
- 10.4.8. The front elevation of proposed house No. 17 would be sited c. 18m from that of No. 16 Fortlands Meadows, with the front elevation of proposed house No. 18 being located c. 40m from the side elevation of No. 6 Fortlands Meadows and c. 35m from the side elevation of Charter House. In light of these setbacks, I consider that there is no potential for the proposal to give rise to privacy impacts or overbearance/ visual intrusion on these neighbouring properties.

Overshadowing/ Loss of Daylight

- 10.4.9. The proposed houses are to be sited to the east/ north-east of the existing houses in Fortlands Meadows and to the west of the Charter House. Having regard to the separation distances provided between the proposal and these neighbouring properties (as detailed in paragraph 10.4.8 above), I am satisfied that there is no potential for the houses to give rise to daylight or sunlight impacts on existing properties.

Servicing

- 10.4.10. The applicant proposes to utilise the estate's existing connections to the public foul and potable water mains, with surface water run-off also proposed to be disposed of via the public sewerage system.
- 10.4.11. A Confirmation of Feasibility (CoF) letter (dated 24/11/2025) is provided from Uisce Eireann which confirms that the site's connection to the public potable water network is feasible subject to upgrades and that its connection to the public wastewater network is feasible without requiring infrastructure upgrades.
- 10.4.12. However, whilst I consider that there is sufficient evidence before me to demonstrate the availability of adequate water supply and wastewater capacity in the public system and whilst I am also satisfied that the matter of connecting to the UE network is capable of being addressed by condition where the Commission are minded to grant permission, I note that the PA have raised a concern regarding the condition/ construction standard of unfinished infrastructure (which has not been completed to a

taking in charge standard) in the Fortlands Meadows estate. They have specifically referenced the need for the undertaking of CCTV surveys of the estate's existing foul and storm water mains in order to determine their condition/ performance and the ability of the proposed development to tie into same. This private infrastructure is also referred to in the UE CoF letter which states that the customers property is located on a private road leading to their development and therefore that "*the customer is responsible for installing their service pipe from the edge of the public road to their development. The Customer shall obtain any permissions/consents/wayleaves (if required) for the pipe route from their house to the edge of the public road*".

10.4.13. Whilst I note that all parties to the appeal agree that the estate is in an unfinished condition, no information has been provided as to the legal ownership of the roadway/ services within the Fortlands Meadows estate and, in this respect, I note that a plebiscite to have the estate taken in charge has recently been prepared by the estate residents and submitted to Galway County Council. I also draw the Commission's attention to the fact that there is no information on file to suggest that the existing properties in the estate are currently affected by foul or surface water drainage issues.

10.4.14. On balance, given the uncertainty around the capacity and condition of the estate's existing drainage infrastructure and the lacunae in respect to the legal ownership of its internal roadway and underground services (noting also that the determination of title is not a matter for the Commission), I am not satisfied on the basis of the information before me that this matter can be addressed by condition as suggested in the grounds of appeal. Notwithstanding, having regard to the substantive reason for refusal outlined under Section 10.2 of this report, I do not recommend that this issue form the basis for a refusal of permission in this instance.

Traffic/ Parking

10.4.15. The appellant seeks to draw the Commission's attention to the fact that PA have not identified any unacceptable impacts in respect of traffic safety or congestion.

Parking

10.4.16. 4 no. car parking spaces are proposed to the west of the 2 no. houses and will be accessed off the existing turning head within the estate.

10.4.17. GCDP Table 15.5 (Car Parking Standards) sets out a car parking standard of 1.5 spaces per dwelling in the case of 1-3 bed dwellings, whilst DM Standard 31 (d - Parking Standards) promotes a modal shift away from the private car to more sustainable modes of transport and states that, in relation to infill sites, a flexible application of standards will be considered. In this regard, I note that SPPR 3 (Car Parking) of the 2024 Compact Settlement Guidelines provides that in intermediate and peripheral locations (such as that proposed) the maximum rate of car parking provision for residential development shall be 2 no. spaces per dwelling. On this basis, I consider the proposed parking to be acceptable.

10.4.18. In respect to bicycle parking, DM Standard 31 (f) provides that secure cycle parking facilities shall be provided in new residential development with 1 no. space per bedspace required in respect of housing developments (with min. 2. visitor bike parking spaces). Whilst no cycle parking provision is shown, I am satisfied that it is capable of being provided securely and in-curtilage within the houses side/ rear gardens.

Traffic

10.4.19. As detailed in paragraph 10.4.12 of this report, the PA have raised a concern regarding the unfinished status of infrastructure treatments within the Fortlands Meadows estate, with the report of the PA's Roads & Transportation Department specifically citing a list of taking in charge remedials which remain outstanding - including road markings and signage at priority junctions.

10.4.20. Third parties have raised concerns regarding the potential of the proposal to give rise to an increase in traffic and pedestrian safety issues within the estate.

10.4.21. I note from my site inspection that each of the 16 no. residential properties within the Fortlands estate is designed to provide, at a minimum, in-curtilage parking for 2 no. cars. In light of same and the current volume of traffic arising from within the estate, I do not consider that the trip generation potential arising from 4 no. car additional parking spaces serving the proposed houses is likely to give rise to a material change in the traffic movements within Fortlands Meadows or the capacity of the estate's junction with the Dublin Road. For the same reason, I am satisfied that they would not pose an unacceptable risk to traffic or pedestrian safety or bring the proposal into conflict with DM Standard 28: Sight Distances Required for Access onto National,

Regional, Local and Private Roads. I reach this conclusion notwithstanding the taking in charge remedials outlined above.

Tree Loss/ Biodiversity

- 10.4.22. The observer's raise concerns regarding the loss of existing trees arising and the potential for the proposal to damage local biodiversity etc. I note that no tree survey or ecological survey of the lands were provided as part of the application. I acknowledge that the proposal would necessitate the removal of some c. 4 no. medium height trees, but I consider that this loss is capable of being mitigated through the requirement for compensatory tree planting and landscaping by condition.
- 10.4.23. Having regard to my site inspection and the existence of mature trees and hedgerows along the eastern boundary to Charter House, I would be more concerned about the impact of the development on these features and ecological connectivity in the locality – particularly having regard to the proposal for the erection of a new boundary wall at this location. LAP LSST 66 (Trees, Parkland/Woodland and Hedgerows) seeks to retain and protect important trees and hedgerows by ensuring development proposals take cognisance of same, with the carrying out of tree surveys required where necessary. I consider that the siting and materiality of the proposed eastern site boundary needs careful consideration and agreement with the PA in order to ensure the protection of the existing trees and hedgerow along this boundary. I recommend that this be addressed by a pre-commencement condition where the Commission are minded to grant permission.

Precedent

- 10.4.24. Both the appellant and observers have raised the issue of planning precedent which is also referred to in the PA's reason for refusal. I would note that all appeal cases are assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development. Notwithstanding, I do not agree that the decision to grant permission for this proposal would set a wider planning precedent. I have formed this view on the basis of the circumstances specific to this case which comprise the change in the zoning of the appeal site under the recently adopted Loughrea LAP which I have dealt with under section 10.2 of this report.

Drawing Issue

10.4.25. An observer has raised the matter of incorrect house numbering being used in the application documentation. Whilst I acknowledge the concerns raised, having inspected the site and neighbouring properties and having reviewed the information on file, I am satisfied that I have sufficient information before me to continue to assess the development subject of this appeal.

11.0 Recommendation

I recommend that permission be REFUSED for the following reason:

12.0 Reasons and Considerations

1. It is considered that the proposed infill development, by reason of its design and siting, would give rise to a public open space arrangement within the Fortlands Meadows estate that would be both quantitatively and qualitatively deficient and contrary to the requirements of DM Standard 2: Multiple Housing Schemes (Urban Areas) of the Galway County Development Plan 2022-2028 and also to Policy and Objective 5.1 of The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and to Section 4.9.3 (Public Open Space and Landscape Design) of the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (2007) and therefore would seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development.

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.

Emma Gosnell

Planning Inspector

15th May 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	PL-500747-GY-26
Proposed Development Summary	Construction of (a) two number, three bedroom dwelling houses, (b) proposed landscaping and car parking, (c) connection to existing services and (d) all associated site services
Development Address	Gorteenapheebera, Fortlands Meadows, Loughrea
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 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. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is to provide 2 no. dwelling units. Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is c. 0.052ha

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)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500747-GY-26
Proposed Development Summary	Construction of (a) two number, three bedroom dwelling houses, (b) proposed landscaping and car parking, (c) connection to existing services and (d) all associated site services
Development Address	Gorteenapheebera, Fortlands Meadows, Loughrea
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural	The area of the site is given as 0.052ha, there are no demolition works involved, and there is no identified risk of accidents or disasters, nor is there any obvious risks to human health that result from the proposed development. Given the size of the overall development and site

<p>resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>area the proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development site constitutes an infill site located within an existing estate in the suburbs of Loughrea town. The immediately prevailing context of the area is residential with the agricultural, commercial and sports/recreational lands being located in the wider area.</p> <p>The Kilcolgan River are is located c. 350m to the north east of the appeal site and does not connect to either Lough Rea SPA (Site Code 004134) or to Lough Rea SAC (Site Code 000304) c. 1km to the south of the site on account of the direction of the river's flow.</p> <p>The development is generally removed from sensitive natural habitats and designated sites identified significance in the County Development Plan. The site is not located within a Flood Zone and there is no evidence of archaeology or sites of historic or cultural significance within the site. As detailed in Section 1.2 of the Inspector's Report, 'Charter House' a large, detached house with extensive landscaped grounds which are identified as a zone of archaeological notification for NIAH No. GA105-102 (School) is located to the immediate east of the site.</p> <p>Whilst material concerns are raised regarding to localised servicing and to the impact of the proposal on existing residential and visual amenity, having regard to the above and the nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Due to the nature and scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>Having regard to the location of the subject site, noise, dust and vibration emissions are likely during the construction phase with any impacts being local and temporary in nature. The implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p> <p>The main operational impacts would be limited to residential amenity, traffic and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment/design and I am satisfied that these matters can be</p>

	<p>assessed without potential for significant environmental effects that would require EIA.</p> <p>There would be no significant cumulative impacts with other projects.</p> <p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features and cultural heritage; 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>
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:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required).

Appendix 2 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case file: PL-500747-GY-26	
Brief description of project	Normal planning appeal. Proposal to construct two number, three bedroom dwelling houses, proposed landscaping and car parking, connection to existing services and all associated site services at Gorteenapheebera, Fortlands Meadows, Loughrea, Co. Galway – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is located c. 900m to the north-east of Loughrea town centre on lands zoned for infill residential development. The surrounding area is characterised predominantly by housing, but also provides for open space, leisure/ recreational and agricultural uses as detailed in Section 1.0 of the Inspector's report.</p> <p>The proposed development involves the construction of 2 no. 2-storey 3-bed houses and all ancillary works etc.</p> <p>There are no watercourses or other ecological features of note on the appeal site that would connect it directly to European Sites in the wider area. The Kilcolgan River (EPA Code: IE_WE_29K010200) is located c. 350m to the north-east of the appeal site on the opposite side of the Dublin Road and IDA Loughrea Business and Technology Park, with this river flowing in a north-westerly direction and away from Lough Rea SPA (Site Code 004134) and Lough Rea SAC (Site Code 000304) and generally towards Rahasane Turlough SAC (Site Code 000322) and Rahasane Turlough SPA (Site Code 004089) before continuing onto Galway Bay.</p> <p>All surface and foul water is to connect to the existing surface water drain and foul water drain at the Fortlands Meadows estate – full details in Section 10 of Inspector's Report – connecting to a Loughrea WWTP (Reg. No. D0194) c. 1.5km north of Loughrea town centre and from there flowing into St. Cleran's River which forms part of the Kilcolgan river catchment.</p>
Screening report	No
Natura Impact Statement	No
Relevant Submissions	No
Planning Authority	No specific objections raised on AA grounds.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
Having regard to the source-pathway receptor-model, I consider that there are 4 no. European sites which have the potential to be affected by the proposal. I have excluded all other European sites on the basis of their substantial physical separation from the appeal site and due to the absence of realistic pathways connecting the appeal site to same.	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological Connections ²	Consider further in screening ³
Lough Rea SAC (000304)	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] Source: NPWS website accessed 13/05/2026.	c. 1.2km to south	No From a review of relevant EPA mapping, there appears to be no surface water connection between the site and Loughrea SAC. The lake is also c. 2km upstream of the WWTP discharge point.	No
Lough Rea SPA (004134)	Coot (Fulica atra) [A125] Shoveler (Spatula clypeata) [A857] Wetland and Waterbirds [A999] Source: NPWS website accessed 13/05/2026.	c. 1.2km to south	As Above	No
Rahasane Turlough SAC (000322)	Turloughs [3180] Source: NPWS website accessed 13/05/2026.	c. 13km to west	Potential indirect hydrological connection via the WWTP which discharges into the St. Cleran's River which flows into the Kilcogan River and into Rahasane SAC.	Yes
Rahasane Turlough	Whooper Swan (Cygnus cygnus) [A038]	c. 13km to west	As above	Yes

SPA (004089)	Golden Plover (Pluvialis apricaria) [A140] Black-tailed Godwit (Limosa limosa) [A156] Greenland White- fronted Goose (Anser albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999] Source: NPWS website accessed 13/05/2026.			
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The Kilcolgan river flows into the Rahasane Turlough SAC & SPA c.13km to the west of the subject site. Having considered the source-pathway receptor model and the nature and scale of the proposed development I consider that, with the exception of the Rahasane Turlough SAC & SPA, there are no other sites to be within the zone of influence of the project due to lack of connectivity and/or significant distance/dilution factor involved.

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

AA Screening matrix

Having regard to the comparable impacts and effects arising, I deal with the aforementioned SPA and SAC together below.

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Rahasane Turlough SAC (000322) Rahasane Turlough SPA (004089)	<u>Direct:</u> None <u>Indirect:</u> potential weak, indirect hydrological connection via discharge from Loughrea WWTP into 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 exceedances to its emission limit values.	There is a substantial intervening separation distance between the WWTP discharge point and its downstream connection into the SAC and 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 Kilcolgan River.
	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	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site. No further assessment is required for the project. No measures specifically intended to avoid or reduce harmful impacts of the proposed development on European sites were taken into account in reaching this conclusion.

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 European Sites, namely Rahasane Turlough SAC (Site Code 000322) and Rahasane Turlough SPA (Site Code 004089), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The separation distance between the European sites and the discharge location from Loughrea WWTP.
- The significant dilution of waters from the Kilcolgan River and other tributaries to The European Sites.
- The location of the site within an urban area removed from any waterbodies and lack of any hydrological connectivity to any European site.
- No potential for ex situ impacts.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	PL-500747-GY-26	Townland, address	Lands located at Gorteenapheebera, Fortlands Meadows, Loughrea, Co. Galway
Description of project		The proposal comprises of the construction of 2 no. houses and all associated site works – see Section 2.0 of Inspector’s Report for further details.	
Brief site description, relevant to WFD Screening,		<p>The site is located on lands currently in use as public open space serving a residential estate on zoned lands within the settlement boundary of Loughrea, Co. Galway.</p> <p>Located in Flood Risk Zone C.</p> <p>No watercourses on site.</p> <p>The nearest watercourse is the Kilcolgan River (EPA Code: IE_WE_29K010200) with its tributaries being located c. 350m to the north-east of the appeal site on the opposite side of the Dublin Road and ISA Loughrea Business and Technology Park. This river flows in a north-west direction past the appeal site and eventually discharges to Galway Bay.</p> <p>The appeal site is also underlain by the GWDTE-Rahasane Turlough (SAC000322) (EPA Code: IE_WE_G_0100) groundwater body.</p>	
Proposed surface water details		Surface water to be connected to and discharged into the public surface water system via an existing drain in the Fortlands Meadows residential estate. No SuDS measures indicated. See Section 10.3 of Inspector’s Report for further details.	
Proposed water supply source & available capacity		Public mains - capacity available subject to upgrades. See Section 10.3 of Inspector’s Report for further details.	

Proposed wastewater treatment system & available capacity, other issues		Public wastewater network – capacity available without requiring upgrade. See Section 10.3 of Inspector’s Report for further details.				
Others?		n/a				
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 runoff, drainage, groundwater)
Kilcolgan River (surface)	c. 350m to the north-east of the appeal site	(020) IE_WE_29K010200	Poor	At Risk	Urban Waste Water, Agriculture, Industry etc.	No direct pathways. Potential indirect hydrological pathway via WWTP
GWDTE-Rahasane Turlough (SAC000322) (groundwater)	Below site	IE_WE_G_0100	Good	At Risk	Urban Waste Water Agriculture, Industry etc.	No - all surface water to connect to public drain.
Lough Rea (Lake)	c. 1km to south	IE_WE_29_194	Moderate	Not At Risk	No pressures	No – river flow is towards WWTP and away from lake.
Step 4: 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	Water body 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 River (020) IE_WE_29K 010200	Pathway exists via WWTP	Water pollution	Capacity in WWTP as per CoF on file	No	Screened Out
2.	Ground	GWDTE Rahasane Turlough IE_WE_G_010 0	Yes – existing	Water pollution via hydrocarbon spillages/ siltation etc	Best Practice Construction/ Site Management and CEMP – the implementation of the standard measures outlined in same would satisfactorily address potential impacts.	No	Screened Out
3.	Lake	Lough Rea IE_WE_29_194	No	N/A	N/A	No	Screened Out

OPERATIONAL PHASE

4.	Surface	Kilcolgan River (020) IE_WE_29K 010200	Yes - via wastewater discharge to WWTP	Water pollution	Capacity in WWTP as per CoF on file	No	Screened Out
DECOMMISSIONING PHASE							
N/A							