Inspector's Report
PL-501690-GY-26

Development	Demolition of existing dwelling house and construction of 8No.serviced dwelling houses
Location	Gort , Gort , Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2660618
Applicant(s)	Theresa Murphy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Theresa Murphy
Observer(s)	Mandy Arnold Tommy Ruane Melissa Spencer Coole Haven Management Company CLG Cora Gunter
Date of Site Inspection	30th of September 2026
Inspector	Caryn Coogan

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1.0 Site Location and Description

1.1 The proposed development is located on the northern edge of Gort town on an infill site abutting the N18 National Primary Road and the Regional Road R458.

1.2 The site, 0.32ha, is a long narrow strip of land sandwiched between existing housing. There is Coole Haven housing estate to the east, and one-off detached dwellings to the west and north of the site.

1.3 The site is flat and is overgrown. There is a derelict cottage on the roadside boundary of the R458. This is positioned at a point on the R458 which adjoins the Gort (No. 16) interchange, at a point where sightlines are severely restricted to the west due to poor horizontal alignment in the main road.

1.4 Access is proposed from Coole Haven estate along the eastern boundary of the site from an existing service road serving a carpark area to the rear of an apartment block fronting the estate. Houses of Coole Haven back onto the site along its eastern site boundary. One off detached houses back onto the site along the west site boundary. Cuirt Brac housing estate is to the north of the site.

2.0 Proposed Development

2.1. The proposed development consists of :

(1) demolition of existing dwelling house and

(2) construction of eight serviced dwelling houses.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway Co. Co. refused the proposed development for 4No. reasons:

1. The proposed development, in view of the confined nature of the site, the design, configuration and layout of residential units within the site which is lacking sufficient and appropriately configured open space, would be detrimental to the character of the area, would fail to satisfactorily integrate with the adjoining development, and would be contrary to objectives PM 1 and PM 10, UL2 and UL5, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028 and GSST 7 of the Gort Local Area Plan 2025-2031, if permitted, it would detract from the visual and residential amenity of the area, would fail to provide an adequate level of amenity of amenity for future residents, as well as setting an undesirable precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability whilst coupled with the lack of suitable on-site vehicular turning areas and whereby increased vehicular turning movements will be generated by the development facilities. These matters, in conjunction with the suitability of the proposed external and internal traffic circulation regime further raises the potential for conflicting traffic movements to occur within and adjoining the site which may negatively impact the public road and vulnerable road users' safety. It is therefore considered with regard to policy Objectives NNR 2 , NNR 3, NNR 7 and DM standard 28, DM standard 33a of County Development Plan 2022-2028, that if permitted as proposed, the development would endanger public safety of traffic hazard, obstruction of road users or otherwise.

3. Having regard to the proposed service connection works located outside of the redline boundary, where the applicant has not demonstrated appropriate

legal consents or lands under the control of the applicant outlined in blue as required under Article 22 (2)(b) (ii) of the Planning and Development Regulations, 2001 (as amended). It is therefore considered that the development, if permitted as proposed, would be contrary to the proper planning and sustainable development of the area.

4. In the absence of a comprehensive and site-specific Bat Survey of the vacant structure proposed to be demolished, the Planning Authority cannot be satisfied that the structure does not support bat roots or provide habitat for bats, therefore the potential impact of the development on bats has not been comprehensively addressed. In the absence of contrary evidence, the development as proposed is considered contrary to Policy Objective NHB 9 to Protect Bats and Bats Habitats, of the Galway County Development Plan 2022-2028. Therefore, if permitted as proposed, it would materially contravene a policy objective contained in the current County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

- It is the policy of Galway County Council to endeavour to promote the orderly and phased development of residential lands in accordance with the principles of the sequential approach and as set out in the Sustainable Residential Development in Urban Areas (Cities Towns and Villages) Guidelines 2009.
- A letter of acceptance from the Housing Section of Galway County Council has been submitted with the application which refers to achieving the equivalent of 20% of the net monetary value of the land which will be off set against the cost of provision of the units to be transferred to meet the requirements of Part V.
- The proposed development proposes to use access from the existing Coole Haven residential estate, which was not accepted the Roads Design.
- The Planning Authority note that the proposed upgrade works to allow for the upgrade works are located outside of the subject site red line boundary. No

letter of consent or blue line boundary demonstrating control/consent as required under Article 22 (2)(b) (ii) of the Planning and Development Regulations, 2001.

- The subject site is located on the outer/northern edge of the Gort Local Area Plan 2025-2031 boundary and therefore would fall within the Edge of Centre/Greenfield category, with densities indicated at 25-30 units per hectare. The site area is stated 0.32ha with 8 no. residential units proposed comprising of 3-bedroom 1-bathroom terraced/semi-detached units, with a maximum ridge height of 8.1m, proposes a density of 25 units per hectare, and is therefore considered acceptable by the Planning Authority in this regard. It is considered that higher density development will only be considered where appropriate and where a good standard of development is proposed.
- The proposed development, in view of the confined and restricted nature of the site, the layout and design of residential units within the site, with a less than 2m space between boundaries is not considered acceptable or in accordance with DM Standard 1: Qualitative Assessment Design Quality, Guidelines and Statements

3.2.2. ***Other Technical Reports***

- ***Roads and Transportation Dept:***

  A refusal is recommended:

  Having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability whilst coupled with the lack of suitable on site vehicular turning areas and whereby increased vehicular turning movements will be generated by the development facilities. These matters, in conjunction with the suitability of the proposed external and internal traffic circulation regime further raises the potential for conflicting traffic movements to occur within and adjoining the site which may negatively impact the public road and vulnerable road users' safety. It is therefore considered with regard to policy Objectives NNR 2 , NNR 3, NNR 7 and DM standard 28, DM standard 33a of County Development Plan 2022-2028, that if permitted as proposed, the development would endanger public safety of traffic hazard, obstruction of road users or otherwise.

3.3. **Prescribed Bodies**

3.3.1 ***Uisce Eireann***

To ensure adequate provision and protection of water and wastewater facilities, Uisce Éireann recommends the following;

1. Where the applicant seeks a connection to the public network, the applicant shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. There shall be no build over of public infrastructure from these proposals. Separation distances as per Uisce Éireann's Standards Codes & Practices shall be achieved where public infrastructure is in situ within and/or adjacent to site boundaries*.
3. The development shall not impact public drinking water sources and/or abstraction point(s) and/or abstraction infrastructure**.
4. The design and construction of the Water & Wastewater pipes and related infrastructure to be installed in this Development shall comply with the Uisce Éireann Connections and Developer Services Standard Details and Codes of Practice.

3.3.2 ***Transport Infrastructure Ireland***

No objection, standard submission.

3.4. **Third Party Observations**

A summary of the multitude of third-party submissions is as follows:

- Higher residential density for the site
- Concern regarding the proposed access from the existing Coole Haven estate,
- Increased traffic levels and road safety risks in residential areas,
- Lack of green open space and landscaping proposed,
- Narrow site resulting in a poor standard of development for future occupiers,

- Proposed use and location of boundary walls,
- Visual impact, confliction with zoning objectives for the site,
- The proposals fail to address the previous reasons for refusal regarding layout,
- Impact on the environment,
- Insufficient legal interest/consents

4.0 Planning History

4.1 **PL. Ref. 24/61406 Refused by GCC, Appeal Refused by ACP (PL07.321719)**

- for the demolition of existing dwelling house and the construction of six serviced dwelling houses. Gross floor space of proposed works: 536.71 sqm.

The Coimisiún refused the proposal on the following grounds:

It is considered that the proposed development, as received by the Planning Authority 23rd October 2024, fails to provide an adequate level of amenity for future residents; the privacy of houses numbered 1-3 is compromised due to the relationship with the shared open space that these houses front onto, and the layout of this terrace compromises access to the front entrance of house number 2. In addition, the area of open space provided to serve the overall development is deficient and the lack of an overall landscape plan for both the open space and the public realm results in lack of clarity on how this infill site will integration with adjoining development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

I note the Coimisiun directions stated it did not concur with the Inspector or the Planning Authority that six units is overdevelopment of the site. With an appropriate layout this site, due to the site size, location, development plan policy on compact growth and the wider setting may accommodate development of this scale or greater. In any future applications the applicant should demonstrate that the house and room sizes accord with the relevant guidelines.

5.1 Development Plan

5.1.1 Galway County Development Plan 2022-2028

In the Core Settlement Strategy, Gort is identified as a ***Self Sustaining Town.***

2.4.8Self Sustaining Towns

Gort and Loughrea have been identified as Self-Sustaining Towns with high levels of population growth, however there are limited employment base which are reliant on other areas for employment and/or services and which require targeted "catch-up" investment to become more sustaining. The growth strategy for both Gort and Loughrea is to consolidate their designation as Self -Sustaining Town's and continue to support expansion of their employment base. In addition, residential development will be facilitated that will support the sustainable growth of the towns.

According to section **2.3.10** of the development plan Prioritise targeted population and economic growth to the MASP, Key Towns, Strategic Towns and Self-Sustaining Towns and promote their continued sustainable growth; Support Self-Sustaining Towns requiring contained growth, focusing on investment in services employment and infrastructure whilst providing a viable alternative to single housing in the countryside.

The Key Principles to achieve the Core Strategy are outlined under **Section 2.3.12** of the Plan.

- **Compact Growth**

  In accordance with the principles of compact growth, at least 30% of housing within settlements is to be within the existing built up footprint area in conjunction with sequential development of settlements. There are limiting factors which are applicable eg the historic formation of many of the main towns in County Galway, flooding implications, inadequate access, limited and fragmented land holdings and the requirement to facilitate retail development in these locations in accordance with the sequential test under the Retail Planning Guidelines for Planning Authorities (DECLG,2012). An analysis of the potential capacity of town centre/infill residential indicates that approximately 1,820 units could be delivered on these lands.

- **Climate Change and Environmental Sensitivity**

  Climate Change has an increasing role to play in how the county is planned in the future. The plan has a critical role to play in ensuring the communities develop having regard to sustainable infrastructure networks which build resilience to climate change. Consideration is given to; ground and surface water vulnerability and any potential environmental impact (including SEA, HAD, EU Water Framework Directive, River Basin Management Plans and Flood Risk Management) requirements; availability of services and infrastructure; potential for economic and social development of the settlement; the sequential test; ground and surface water vulnerability; planning history and market availability/choice.

Development Management Standards require a number of technical considerations to be appropriately met, in particular, matters relating design/assimilation, preservation of residential and visual amenity and the provision of satisfactory site services. The acceptability of the current proposal is also subject to normal planning considerations, such as environmental protection and public safety, in order to ensure the proper planning and sustainable development of the natural and built environment.

The strategic assessment of the current proposal is governed inter alia by policy objectives set out in the following sections of The Galway County Development Plan 2022-2028:

Policy Objective CS 2 – Compact Growth

To achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.

Policy Objective PM 1 Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

Policy Objective PM 9 Vitality in Towns and Villages

(a) To provide an appropriate mix of uses and densities in settlements that are responsive to the needs of people and market demand to support delivery of sustainable, viable and thriving walking neighbourhoods;

(b) To encourage a greater usage of backland areas and to promote the redevelopment of sites in the town or village centre where development will positively contribute to the commercial and residential vitality of the town or village settlement.

Policy Objective PM 10 Design Quality

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

Policy Objective UL 1 Infill Sites

To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.

Policy Objective UL 2 Layout and Design

To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.

Policy Objective UL 5 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.

Chapter 6 Transport and Movement

NNR 3 Design Manual for Urban Roads and Streets

Implement the national design standards outlined in the Design Manual for Urban Roads and Streets (DMURS 2019) for urban streets and roads within the 50/60 kph zone.

NNR 7 Mobility Management Plans

To require mobility management plans to be submitted with applications for trip intensive developments.

10.6.7 European Directives, Natura 2000 and Environmental Assessments

At European level, the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) mandate the identification and protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), which together create a network of protected wildlife areas, known as the Natura 2000 network, across the European Union. The designation of these sites form part of a range of measures aimed at conserving important or threatened habitats and species. The Water Framework Directive Register of Protected Areas also contains an inventory of protected area sites to include areas designated for the protection of habitats and species.

10.6.16 Bats and Lighting

The impact of lighting on bats and their roosts and the lighting up of objects of cultural heritage must be adequately assessed in relation to new developments and the upgrading of existing lighting systems.

Chapter 15: Development Management Standards

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

Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians.

DM Standard 30: Developments on Private Roads

The following shall apply to development on a private road:

a. Where development is proposed on a private road, the safety and capacity of the junction of the private road with the public road shall be a consideration by the planning authority. The applicant should demonstrate that the sightlines

are in compliance with DM Standard 28 of the GCDP 2022-2028 at the junction of the private road and local road, in their planning application.

5.1.2 **Gort Local Area Plan 2025-2031**

Support the delivery of residential units on appropriately zoned land targeted in the Housing Strategy set out in Chapter 2 of the GCDP 2022 – 2028, encouraging sequential and compact growth in the town.

Settlement Typology	CSO 2016	Core Strategy Allocation	Housing Allocation 2022 - 2028	Residential Units to be Delivered on Greenfield Sites	Residential Units to be Delivered on Brownfield/Infill Sites	Density	Quantum of Greenfield Land Required for Residential Development
Self-Sustaining Town	2,994	800	460	322	138	25	12.9

Table 1: GCDP 2022-2028 Core Strategy

The subject site is zoned **Existing Residential**

1.7 Land Use Zones

Residential Existing

To protect and improve the residential amenities of existing residential areas

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

Residential Infill

To protect and improve the residential amenities of existing residential areas.

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

GSST 4 Compact Growth

Galway County Council shall support the delivery of new homes within the existing built-up footprint of Gort, by sites such as infill or opportunity sites in the settlement and prioritising underutilised land in preference to greenfield sites

GSST 7 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).

GSST 34 Spatial Definition and Animation

Ensure that new developments are designed to provide spatial definition and animation to public spaces and streets through the use of appropriate building lines and built forms, responsive building frontages and passive surveillance and high-quality streetscapes and/or landscaping edges to enclose and address public spaces. Perimeter block typologies provide a useful approach in generating good spatial definition, adequate enclosure and a high-quality public realm and the creation of focal points, such as landmark buildings and gateways, also help to improve spatial definition and legibility and will be encouraged in appropriate locations.

GSST 38 Design Statements

Significant proposals will be required to submit Design Statements which will be determined by scale and impact the latter of which will vary depending on the development location and the pertinent sensitivities. The design statement must demonstrate the suitability of the proposed design solution to the site context in accordance with the relevant urban design criteria. They should include a detailed explanation with illustrations where necessary the design principles and design concept. This should refer to the development layout, landscape, scale and mix, details of materials should also be included. The statement should show how the development will contribute to the process of placemaking.

5.2 National/Regional Plans/Policies

5.2.1 National Planning Framework

The National Planning Framework (NPF) places a considerable emphasis on the role of urban and rural settlements in delivering high-quality housing and jobs. It is closely linked to sustainability and reducing car reliance. This aspiration will be delivered

through a series of measures. These measures relate to regeneration, public realm improvements, a high standard of placemaking, high-quality design and active land management. It promotes the development of brownfield and infill developments in settlements. These parameters are centred on a compact growth agenda which is set out as a key National Strategic Outcome in the Framework. NPO 32 of the NPF sets an ambitious national housing target of 550,000 up to 2040. The county has an important role to play in this regard.

5.2.2 **Housing for All - a New Housing Plan for Ireland (September 2021**).

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes: - To purchase or rent at an affordable price, - Built to a high standard in the right place, - Offering a high quality of life.

5.2.3 **Section 28 Ministerial Planning Guidelines.**

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically). • Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements. According to the results from the 2022 Census, Gort has a population of 3,186 people and as such in accordance with Section 3.3.4 of the Guidelines identify areas with a population between 1,500-5,000 people are considered to be Small and Medium Sized Towns. Table 3.65 of the guidelines states that Small / Medium Town Edge sites should aim to achieve a density of 25-40 units per hectare (net).

Development standards for housing are set out in Chapter 5, including:

- SPPR 1 in relation to separation distances (16 m above ground floor level),

- SPPR 2 in relation to private open space (2-bed 30 m2; 3-bed 40 m2; 4+bed 50 m2),
- SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and
- SPPR 4 in relation to cycle parking and storage.

5.3 National Guidance

4.1. Relevant National or Regional Policy / Ministerial Guidelines

5.5.1 *Housing for All – A New Housing Plan*

Housing for All – A New Housing Plan for Ireland (HfA) was published September 2021. HfA identifies the extent by which Ireland's housing system is not meeting the needs of enough people and is failing to provide enough homes to buy or to rent in the private sector. In order to address Ireland's continuing housing crisis, the Plan will require the public and private sector to work together to reach the overall target of 300,000 homes by 2030. These homes need to be affordable, built in the right place, to the right standard and in support of climate action. They need to satisfy demand for housing across four tenures – affordable, social, private rental and private ownership.

5.5.2 *National Planning Framework*

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040 and replaces the National Spatial Strategy 2002-2020. The NPF requires the preparation of Spatial and Economic Strategies for each region by the Regional Assemblies. The Final Draft for the Revised NPF has been published and the updated projected

figures are included below in NPO 3. A primary objective of the NPF is to realise the full potential of the development opportunities within these areas focusing on reusing previously developed 'brownfield' land, building up infill sites, which may not have been built on before such as the subject development site in this case or reusing or

redeveloping existing sites and buildings close to services, amenities and public transport options.

National Policy Objective 7: 'Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.'

5.5.3 ***Sustainable and Compact Settlement Guidelines 2024***

The Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of settlements, with a focus on sustainable residential development and the creation of compact settlements.

The Guidelines and the RSES designate Kilkenny as a 'Key Town'. The context of the site comes within the Suburban/Urban Extension site criteria. Section 3.3.3 of the Guidelines provides the following density guidance for Suburban/Urban Extension Sites –

'Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines 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'

Section 3.3.6 of the Guidelines also state that the densities generally advocated for the urban area may not always be appropriate, stating:

In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter

5.4 Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c. 476.6m to the east of the Coole-Garryland Complex SAC

(site code 000252) and Coole-Garryland SPA (Site Code 004107); c.4.7km to the west of the Slieve Aughty Mountains SPA (site Code 004168); and 3.88km to the north-west of the Lough Cutra SPA (site code 004056) and the Lough Cutra SAC (site code 000299).

5.0 EIA Screening

The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The First Party has presented on appeal, counter-arguments on the 4No.reasons for refusal. These are summarised below.

6.1.2 The overall development is modest for 8No. dwellings on 0.32Ha or 25 dwellings per hectare. The Galway County Development Plan allows 15-25 houses per hectare on edge of town centre locations. Coole Haven includes 81 No. dwellings on 3.1ha or 26.1houses per hectare and the Cuirt Bhreac estate to the north has 28 houses on 1.16Ha or 24.1 houses per Ha. The proposal has a density substantially less than adjoining residential development.

- Planning was previously refused for a 6No. unit housing development on the site under 24/61406 and subsequently appealed to ABP under reference No. ABP-321719-25. Changes to the current scheme comply with the Board's requirements as follows:

  (i) The terrace of houses 1 to 3 now have private front gardens and larger rear gardens providing adequate private amenity for future residents.

(ii) The area of green space has been increased to 18% of the overall development. Additionally paved areas have been incorporated into the roadways to provide home zones and reduce traffic speed.

(iii) A landscape plan has been submitted, and all open space areas are overlooked.

(iv) The density of the development has increased to 25No. units per hectare in keeping with County Development Plan policies. The houses are 3bed units and are all over 83sq.m. as recommended in government guidelines.

6.1.3 An auto track analysis has been carried out and attached as part of the appeal, which demonstrates there is no negative impact on the public road and vulnerable road users, traffic speeds within the estate have been reduced substantially in recent years. Adequate signage will be provided, and home zone signs will alert vulnerable road users. The design also uses speed ramps in paved areas which further reduces speed. The development is of limited scale.

6.1.4 The Coole Haven housing estate has been taken in charge by Galway Co. Co. and is no a public estate. Irish Water has control over the sewers and water and has given permission to connect. It is unclear who the local authority wants the applicant to get permission from but it's a legal issue and not a planning issue.

6.1.5 If requested by the Coimisiun, a bat survey can be carried out at the appropriate time of year, and if bats are identified, mitigation measures will be put in place. There is a very small chance that this building, given its location, would accommodate bats especially given its proximity to Coole Park and all the purpose-built to accommodate all the bat roosts within the Park.

6.1.6 Every effort has been put in place to accommodate all recommendations that were made by ACP under Reference PI-321719-25. The application is for a small scale extension to an existing housing estate. The design and layout is simple and in keeping with the adjacent style and density. It is in compliance with the County Development Plan. The objectors will not be affected to the extent their submissions suggest as no additional traffic will pass their properties. The submitted auto-

tracking swept path analysis proves that deisgn will not pose any traffic dangers because it is a very simple layout.

6.2. Planning Authority Response

There was no further submission from the planning authority on appeal.

6.3. Observations

There were 8No. Observations submitted in respect of the first party appeal. Observations were submitted from the following:

1. Tommy Ruane.
2. Mandy Arnold
3. Mairead Helfrich.
4. Liam Payne.
5. Kara-Lee Helfrich.
6. Melissa Spencer
7. Coole Haven Management Company
8. Cora Gunter

The observations are primarily from residents within the immediate vicinity of the appeal site, the Coole Haven Estate. Similar concerns are raised throughout all the observation submission on appeal. A summary of the key points raised within the observations is as follows.

- Planning permission has been refused by the Council on the grounds of the confined nature of the site which means it is lacking in sufficient open space, would affect the character of the area and would fail to integrate into the existing development.
- The revised scheme does not address the previous reason for refusal.
- It contravenes of the Zoning objective in the Gort LAP, which is ‘Residential Existing’ with the policy to objective to ‘protect and improve the residential amenities of existing residential areas’. It is not zoned as ‘residential’ or ‘infill

residential', whereby the principle of multiple unit developments would be facilitated, as per the Zoning Map. The zoning on the site is to provide for house improvements, alterations, and extensions of residential developments. It is clear the Council zoned the land 'Existing Residential' to allow for improvements and alterations to the existing houses. It has not been zoned as 'residential' or 'residential infill', where a housing development could be facilitated.

- The demolition of boundary wall from the Coole Haven to provide access was not referenced in the application. It was not included in the public notices. The residents were not approached about the demolition of the wall.
- The proposed development is disproportionate in size to the size of the site. The subject site is long a narrow and is of limited width (circa 19m). The site is lined to the west by detached houses and to the east by the Cool Haven estate. The layout is very restricted resulting in a roads dominated layout, substandard form of housing development that is at odds with the pattern of development in the area. There is insufficient space between the proposed houses and the adjoining houses.
- The proposed dwellings will be visually intrusive from the adjoining dwellings. The proposed houses are cited 2m-6.8m from the boundary with Cool Haven and 2m from the houses to the west. There will be signifigant overlooking and overbearing impact on adjoining dwellings. It will also devalue adjoining residences.
- There is a lack of open space for the residents.
- The is limited turning space for larger vehicles within the scheme.
- There is a poor pedestrian layout and linkages to the existing estate.
- There will also be a lot of noise from the proposed dwellings. The road, lighting and traffic will have a serious impact on the amenities of Cool Haven.
- The proposed traffic access from Coole Haven estate is not suitable for a 2 lane access and egress. There is parking on the road for the apartments.
- Lack of bat survey

- No legal interest to provide access from Coole Haven estate. The applicant has assumed the right to remove the Cool Haven boundary wall to suit her purposes. In addition, the proposed access through the carpark which was not designed as a street, is not wide enough to accommodate two-way traffic and a footpath. Widening it would impinge upon the common area in the Coole Haven estate.
- The taking in charge of Cool Haven estate by Galway Co. Co. does not imply ownership it is maintenance. The applicant has not demonstrated sufficient legal interest.

  Cool Haven Management Company CLG have not given consent to the demolition of the boundary wall, and it does not consent to any easement to enable the proposed access.
- The proposed development would create an unfair burden on the Cool Haven OMC to resolve any issues with traffic, parking, overflow, dumping or disturbance of the quiet enjoyment of their common areas.
- The proposed development is not as the first party describes it as an extension to Coole Haven housing estate. It is a separate development, under separate ownership and arrangement.
- There should have been a site notice erected in Cool Haven at the proposed entrance.

7.0 **Assessment**

7.1. I have inspected the site and considered the appeal file. The case will be assessed under the following headings:

- Development Plan
- Layout and Design
- Circulation throughout the site layout
- Access
- Bats

- Infrastructure

7.2 ***Development Plan***

7.2.1 The subject site is a brownfield site with a derelict dwelling located along the Regional Road frontage. The site is also sandwiched between existing houses, a housing estate to the east and detached houses to the west. National Policy Objective (NPO) 3a seeks to deliver at least 40% of all new homes nationally within the footprint of existing developments. The site is located within the Development Boundary of Gort town. Since the previous planning appeal on the subject site, (ABP-321819-25) a new Gort Local Plan 2025-2031 has been adopted, which relevant to the development proposal.

7.2.2 The subject site (0.32ha) is adjoining residential developments within the Gort LAP Zoning Objective ***Existing Residential.*** According to Table 1.7 Land Use Zones it is the policy objective to protect and improve the residential amenities of the existing residential areas. The LAP further describes this objective as '*To provide for house improvements, alterations, and extensions of residential development in accordance with principles of good design and protection of existing residential amenities'.* There are two additional residential zonings in the LAP, Residential Phase 1 and Residential Phase 2. Under the 1.7.1 Land Use Matrix Table the residential developments excluding apartments are Permitted In Principle under the zoning.

7.2.3 I am satisfied the proposed development, for 8No. dwellings on an existing residential curtilage complies with the residential zoning for the site in the Gort Local Area Plan 2025-2031.

7.2.4 According to the National Planning Framework, compact and sustainable residential growth focuses on reusing previously developed "brownfield sites" and building up infill sites which may not have been built on before, particularly in well serviced urban locations served by good transport links and in close proximity to employment opportunities in Key Towns. The site is located within walking distance of Gort town centre. The proposed density of 25units per hectare is considered to be acceptable and in line with the government guidelines, *Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024*.

7.3 **Design and Layout**

7.3.1 The most notable feature of the site is that it has a long and narrow configuration, bounded on three sides by housing.

7.3.2 The derelict dwelling along the road frontage is to be demolished under the proposed development. There are three blocks of dwellings proposed through the small scheme. The first is 3No. dwellings along the road frontage, with a front building similar to the apartment block in the adjoining housing estate Cool Haven. The proposed dwellings are two storeys. The design and finish of the dwellings is similar to the adjoining Coole Haven specification. There are two semi-detached units proposed midway along the site, and across the rear of the site, there are 3No. dwellings in a terrace formation. The development is serviced by an estate road with 12No. parking spaces. Each dwelling has front and rear open space areas, and there are a number of pockets of open space areas. The most notable feature is the proposed access from a parking area associated with the apartment block in Cool Haven which is assessed later in the report.

7.3.3 I note the physical characteristics in particular the constraints (narrow width and poor sightlines at the Regional Road roadside boundary) have influenced the design response. It should be noted the site has a derelict dwelling along the roadside boundary and the remainder of the site is unkempt and overgrown. In my opinion, the proposed development would make an efficient use of the serviced urban land.

7.3.4 In terms of potential impacts on existing residential amenities, the proposed dwellings are perpendicular to the houses along the eastern site boundary. There will be no direct overlooking or overshadowing as a result of the proposed development. There will be oblique overlooking which is acceptable within suburban living.

7.3.5 The open space area areas are within 3No. pockets and the total amount of open space equates to 18% of the site area. There is also hard landscaping throughout the small scheme. I consider these proposal and design to be acceptable given the narrow nature of the site.

7.3.5 The planning authority's first reason for refusal stated the proposed development would be detrimental to the character of the area. Although this is a subjective issue, I consider the proposal would make a positive addition to the built environment of Gort. The subject site is currently a wasteland brownfield site, and new housing

provision is much needed and in line with national and local planning policy. In terms of the Galway County Development Plan 2022-2028 quoted in the reason for refusal, I would not agree with the context of the extracts quoted from the development plan. I consider the proposal promotes and facilitates the sustainable development of a quality-built environment. The proposal complies ***Policy Objective PM 9 Vitality in Towns and Villages*** because it encourages a greater usage of backland areas and to promotes the redevelopment of a site in the town where development will positively contribute to the commercial and residential vitality of the town settlement. In addition, it complies with ***Policy Objective UL 1 Infill Sites*** which encourages and promotes the development of infill, corner and backland sites in existing towns in accordance with proper planning and sustainable development.

7.3.6 The narrow width of the site is a notable physical constraint, however I consider the proposed layout integrates with the existing pattern of development in the area. There will be minimal impacts on existing residential amenities. Given the southern orientation of the site, there will be minimal loss of daylight associated with the proposed two storey units and loss of privacy given their relationship to the existing rear garden layouts and separation distances from adjoining rear gardens and main living room windows of the contiguous dwellings.

7.4 **Circulation throughout the Site Layout**

7.4.1 The second reason for refusal relates to the vehicular manoeuvrability and conflicting traffic movements that may occur within and adjoining the site which may negatively impact on the public road and vulnerable road users. I also note the Roads and Transportation Dept recommended refusing the proposed development on traffic safety grounds. I also note that this was a reason for refusal on the previous proposal assessed by the Commission under appeal reference ABP-321719 which did not include a refusal on traffic grounds based on a similar access proposal. I accept the previous reporting inspector considered the proposed access arrangements, which are broadly similar to the current proposal to be acceptable. However, I would concur with some of the concerns of the planning authority's current decision to refuse regarding the layout of the proposed access.

7.4.2 The proposed access to the development is via the Coole Haven residential estate contiguous to the subject site along its eastern site boundary. It is proposed to make an opening along the eastern site boundary and to provide access via a service road and carparking area associated with a block of apartments (Photo Plates 4, 5 and 6). According to the appeal file, Coole Haven has been taken in charge by the Council.

7.4.3 The applicant has submitted an auto track analysis on appeal. The submissions illustrate two autotrack swept path analysis for a Fire Truck and a Refuse Truck. I am satisfied the truck movements can be carried out internally. I have concerns regarding the width and curvature of the entrance to the proposed development from Coole Haven. In addition, the existing road through the carpark at Coole Haven is narrow and it has parking spaces immediately off the existing access road. There are a number of spaces adjacent to the proposed access. In my opinion, in order to ensure the safety of pedestrians and residents in the apartment block which the carpark serves, the carparking layout would need to be redesigned to reflect the proposed access and layout into the proposed development. The road width at the proposed opening into the site from Coole Haven is less than 5m in width. Streets and road design should not impede the ease of pedestrians/cyclists movement to key destinations within or beyond the development. There has been no Mobility Plan submitted in line with Policy **Objective NN7** of the Galway County Development Plan 2022-2028.

7.4.4 In accordance with **DM Standard 28**, vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. This has not been demonstrated in the planning application documentation. In accordance with **DM Standard 33**, there has been no road safety audit carried out to establish the modifications to the existing road network providing access to the development and the safety performance of the proposed access road. I consider the refusal should be upheld in this regard. In my opinion, it not sufficient to just demolish a portion of the boundary wall and provide access to the proposed development without realigning certain parking and road layout existing in the cul de sac at Coole Haven.

7.5 **Access**

7.5.1 The applicant has not provided the legal consent from the appropriate owner to remove part of the boundary wall from Coole Haven and provide access to the development from Coole Haven. On appeal, the applicant has argued that the Coole Haven estate has been taken in charge by Galway Co. Co. and as such is public. It is also submitted this is a legal issue and not a planning issue. However, it is incorrect to assume the Council will grant consent to remove part of the boundary wall and grant access to the site via Coole Haven. It would be inappropriate to grant planning permission for a development based on this assumption.

7.6 **Bats**

7.6.1 The planning authority refused the proposed development on the basis there was no comprehensive and site-specific Bat Survey of the vacant structure on the structure proposed to be demolished. The potential impact of the development on bats had not been comprehensively addressed in the planning application. The issue of a Bat survey arose form the planning report on file which stated Policy RHB 9 which is to protect bats and bat habitats and the proposal to demolish a vacant structure at the subject site, the Applicant is required carry out a comprehensive bat survey of the vacant structure to be demolished, to identify whether any bats or their roosts are present on site or whether and/or not bats utilise the site for foraging or commuting. The applicant has stated on appeal a bat survey can be carried out at the appropriate time of year. If there are bats identified, mitigation measures can be put in pace. The applicant has also stressed it is highly unlikely there are bats on the derelict cottage and that there at bats in the nearby Coole Park where there are purpose-built bat roosts in the Park.

7.6.2 In my opinion, given that there has been no evidence provided of bats on site, the fourth reason for refusal is onerous. I consider any future planning application can be accompanied by a bat survey carried out on site at the appropriate time of the year.

7.7 **Infrastructure**

- A letter of acceptance from the Housing Section of Galway County Council has been submitted with the application which refers to achieving the equivalent of 20% of the net monetary value of the land which will be off set

against the cost of provision of the units to be transferred to meet the requirements of Part V provision of the Planning and Development Act 2000, (as amended).

- Water supply is proposed via a connection to the public mains. A letter from Irish Water regarding connections to public water and wastewater services has been included with the planning application, confirming feasibility for connection subject to infrastructure upgrade work. The Planning Authority noted that the proposed upgrade works to allow for the upgrade works are located outside of the subject site red line boundary. No letter of consent or blue line boundary demonstrating control/consent as required under Article 22 (2)(b) (ii) of the Planning and Development Regulations, 2001 as amended for these works outside of the subject site boundary has been submitted with this application.
- The applicant is proposing to connect to the public foul network. mains. A letter from Irish Water regarding connections to public water and wastewater services has been included with the planning application, confirming feasibility for connection subject to infrastructure upgrade works. Again, the planning authority note that the proposed upgrade works to allow for the upgrade works are located outside of the subject site red line boundary. Again, no letter of consent or blue line boundary demonstrating control/consent has been provided.
- Surface water collection and attenuation is included on the site layout plans.
- There is public lighting shown on the site layout, yet there are no details on the public lighting plan.
- The landscaping plan is acceptable.
- The third parties expressed concern the application was invalid because it did not mention access via the Coole Haven estate. However, I am satisfied the nature and extent of the proposed development is adequately described in the public notices.

8.0 **AA Screening**

8.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Commission is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.

8.2. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the Coole Garryland Complex SAC (site code 000252) and Coole-Garryland SPA (004107) which are located c.476m to the west of the subject site, of the Slieve Aughty Mountains SPA (site Code 004168) which is located 4.7km to the east and the Lough Cutra SPA (site code 004056) and the Lough Cutra SAC (site code 000299) located c.3.8km to the south-east.

8.3. The applicant is seeking permission for the demolition of the existing derelict dwelling structure on site and the construction of 8 No. dwellings. Access is proposed to be provided via an existing residential development. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale and located in an area where existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.

- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.
- The nature of development in the vicinity of the site

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

9.0 **Water Framework Directive**

9.1. The application site is within the Caherglassaun Turlough (SAC000238) and the groundwater vulnerability is considered to be extreme. The main channel of the River Gort is circa 380m east the site. There is no direct surface water connectivity between the application site and the River Gort. The Gort River flows north and discharges into the Castletown River (*Kilchreest_010*) before eventually draining into Kinvarra Bay on the Atlantic coast. The EPA have defined the ecological status of the River Gort (Code: IE-WE-29C010200) as poor. Under the requirements of the Water Framework Directive all waterbodies must achieve good status within the current cycle of the Directive. The proposed development comprises the construction of 8No. dwelling units. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

9.2. The application site is within highly permeable limestone. The overall Water Framework Directive status of this groundwater body is noted as extreme, and this groundwater body is currently noted as being at Risk. The area underlying the proposed site itself is noted to be of extreme groundwater vulnerability.

9.3. 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.

The reason for this conclusion is as follows:

- The nature of the development located within the northern town boundary and built up envelop of Gort town
- Implementation of standard construction measures

10.0 Recommendation

10.1. I recommend the decision to refuse be upheld for the following reason:

11.0 Reasons and Considerations

Having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability of the proposed external and internal traffic circulation regime there maybe potential for conflicting traffic movements to occur within and adjoining the site which may negatively impact the public road and vulnerable road users' safety. It is therefore considered with regard to policy Objectives NNR 7 and DM standard 28, DM standard 33a of County Development Plan 2022-2028, that if permitted as proposed, the development would endanger public safety of traffic hazard, obstruction of road users or otherwise.

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."

Caryn Coogan
Planning Inspector

15th of October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501690-GY-26
Proposed Development Summary	Demolition of existing dwelling and the consecution of 8no. serviced dwellings.
Development Address	Coole Haven, Crowe Street, Gort, Co. Galway
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	.
☐ 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?	

☐ 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.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)**	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units

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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501690-GY-26
Proposed Development Summary	Permission for the demolition of house and the construction of eight houses, together with all associated works.
Development Address	Coole Haven, Crowe Street, Gort, 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 (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an application for the demolition of the existing derelict dwelling and the construction of a 8 no. dwelling units, and associated site works. Access is proposed to be provided via an existing residential development. The operational development would connect to existing municipal services in terms of water supply and wastewater/drainage. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (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	The subject site is location within the development boundary of Gort, Co. Galway. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan. The subject site is not located within or adjacent to any Natura 2000 sites. The site is located 476.6m to the east of the Coole Garryland Complex SAC (site code

of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	000252) and Coole Garryland SPA (Site Code 004107).
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the location of the subject site within the development boundary of Gort, Co. Galway which is 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
Conclusion	
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____ Date: _____