



An
Bord
Pleanála

Board Order
ABP-320477-24

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 2460183.

Appeal by Orla Fleming care of EMAD Limited (Edward Martin) of 65 Greenville Place, Dublin against the decision made on the 9th day of July 2024 by Sligo County Council to refuse a permission for the proposed development.

Proposed Development: Erection of one number two-storey two-bedroom dwelling house circa 90 square metres nett internal area approx (circa 107 square metres gross external area approx) to include new vehicle access, car parking, new service and drainage connections and other associated site works, at Liosross House, Rosses Point, County Sligo.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the scale and design of the proposed development located on a backland position, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health or adversely affect the environment, and would, therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the Appropriate Assessment screening, the Board accepted and adopted the Appropriate Assessment screening carried out in the Inspector's Report in respect of the potential effects of the proposed development on the the Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code 000627) the Cummeen Strand Special Protection Area (Site Code 004035) and the Drumcliff Bay Special Protection Area (Site Code 004013).

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects. The reason for this conclusion is as follows:

- (i) The relatively small scale of the proposal.
- (ii) The proposed development would be connected to the public sewerage scheme and surface water would be directed to a soakaway and as a result there is no hydrological connection between the site and any European site.
- (iii) Any off-site impact in relation to noise or dust can be managed by way of condition.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

The two-metre-high composite timber fencing shall extend along the entire rear and side boundaries of the site. The height of the fence shall be reduced to 1.2 metres for a distance of two metres along the north-eastern boundary of the land measured from the stone pier of the driveway entrance to the public road.

Reason: In the interest of residential amenity and to ensure traffic safety.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities, public health and safety and environmental protection.

7. Site development and building works shall be carried out only between the hours of 0700 to 19.00 Mondays to Friday inclusive, between 0800 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Liam Bergin

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 23rd day of December 2024.