

An  
Bord  
Pleanála

## Board Order ABP-321348-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Sligo County Council**

**Planning Register Reference Number: 24/60077**

**Appeal** by Castleburn Residents care of 17 Castleburn, Ballymote, County Sligo against the decision made on the 8<sup>th</sup> day of November, 2024 by Sligo County Council to grant subject to conditions a permission to Siara Developments Limited care of Vincent Hannon Architects of Suite 4, Cloch Mhile, Dublin Road, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 57 number residential units consisting of 18 number Type A – two-bed semi-detached and terraced houses, 27 number Type B – three-bed semi-detached and detached houses, 12 number Type C – four-bed semi-detached and detached houses. Pedestrian, cycle and vehicular access/egress. All car parking, landscaping, boundary treatments, pedestrian links, public lighting, service connections and all associated site works, all at Earls Court, Ballymote, County Sligo, as revised by the further public notices received by the planning authority on the 23<sup>rd</sup> day of October, 2024 which included the modification of the red-line boundary to allow for the inclusion of a pedestrian and cyclist link to the adjoining Castleburn residential development, a revised landscaping strategy, and the omission of one number vehicular road within the proposed development.

## 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 zoning objectives of the site, its location within the 'Support Town' of Ballymote and the policies and objectives for the town, as set out in the Sligo County Development Plan 2024-2030, and having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally acceptable, would not seriously injure the residential amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> day of September, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Dwelling number 72 shall be omitted from the proposed development. The turning area located to the south of dwelling number 72 shall be repositioned accordingly and the residual land shall be laid out as public open space. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and orderly development.

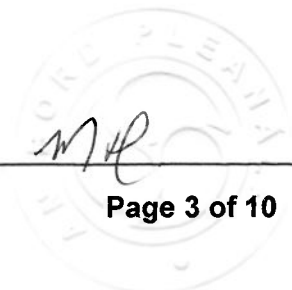
3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate standard of development.

4. Final details, including materials/finishes, public lighting, landscaping and boundary treatment, of the pedestrian/cycle link between the site and Castleburn housing estate shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In interest of clarity, amenity and public safety.

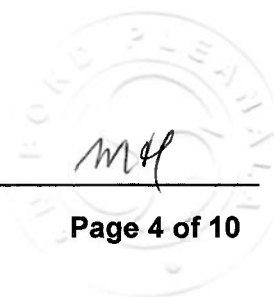
5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) Details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the proposed development.
  - (b) Proposed locations of trees and other landscape planting in the proposed development, including details of proposed species and settings.



- (c) Details of proposed street furniture, including bollards, lighting fixtures and seating.
- (d) Details of proposed boundary treatments at the perimeter of the site (including heights, materials and finishes), including along the boundaries of the public open space/pedestrian routes.
- (e) Additional boundary treatment/landscaping shall be provided to the western boundary of the site where it interfaces with Castleburn housing estate to avoid undue loss of privacy to adjoining residential properties.
- (f) Prior to commencement of development, the developer shall submit to the planning authority for written agreement details of finished garden levels to unit numbers 60, 61 and 62, and shall make provision for additional treatment to this boundary, if necessary, to avoid undue loss of privacy to adjoining residential properties at Castleburn housing estate.
- (g) Prior to commencement of development, the developer shall engage the services of a suitably qualified person/company to carry out a structural survey of the wall on the western and northern boundary of the site, along with an engineering assessment of the structural integrity of the wall. The report shall be submitted to the planning authority for written agreement prior to commencement of development and the recommendations of the reports, in addition to the requirements of condition 3 (e) and 3 (f) above, shall be implemented to the satisfaction of the planning authority prior to the occupation of any dwelling.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual and residential amenity.



6. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and the proposed pedestrian and cycle links through to Teeling Street and the Castleburn housing estate. Such lighting shall be provided prior to the making available for occupation of any residential unit.

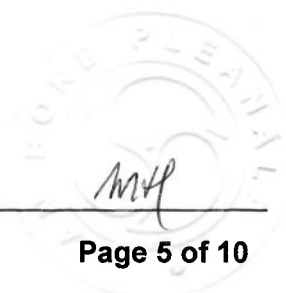
**Reason:** In the interest of amenity and public safety.

7. All houses within the scheme shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

8. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.



9. Upon completion of the proposed development, and prior to occupation of any dwelling, the developer shall complete a Stage 3 Road Safety Audit to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to the occupation of any dwelling.

**Reason:** In the interest of pedestrian and traffic safety.

10. The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.

**Reason:** In the interest of public safety and residential amenity.

11. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection networks.

**Reason:** In the interest of public health and to ensure adequate water and wastewater facilities.

12. 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.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998 shall be adhered to. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of the development.

17. (a) Prior to commencement of development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant houses permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.





- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

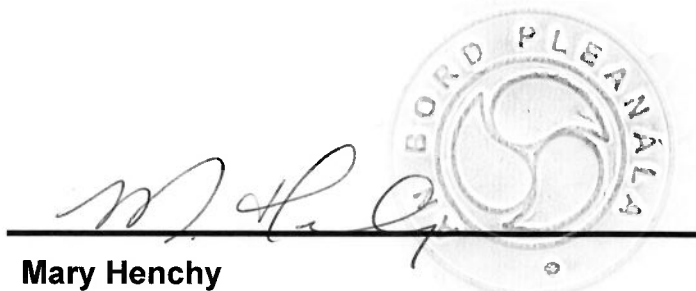
**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.



**Mary Henchy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this 20<sup>th</sup> day of March 2025.**