

An
Coimisiún
Pleanála

Commission Order
PL-500100-SO

Planning and Development Act 2000, as amended

Planning Authority: Sligo County Council

Planning Register Reference Number: 24/60295

Appeal by Marie and Jimmy O'Connor against the decision made on the 30th day of September, 2025 by Sligo County Council to grant subject to conditions a permission to Fermoyle Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing one storey derelict office building, derelict shed and removal of temporary structures and construction of 11 number dwellinghouses (comprising of three number detached four-bedroom houses, one number detached three-bedroom house, two number semi-detached three-bedroom houses, two number end-of-terrace three-bedroom houses, two number semi-detached two-bedroom houses and one number terraced two-bedroom house) and all associated site works, new estate roads, public lighting and landscaping, at Knappagh More, Strandhill Road, Sligo, as amended by the revised public notices received by the planning authority on the 7th day of August, 2025.

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 provisions of the Sligo County Development Plan 2024-2030, and the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives of the Sligo County Development Plan 2024-2030, would result in the efficient land-use of an underutilised vacant site in support of its regeneration, would not negatively impact neighbouring trees, would not seriously injure the residential amenities of the area, would not devalue property in the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code: 000627) and the Cummeen Strand Special Protection Area (Site Code: 004035) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions, including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on the Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code: 000627) and the Cummeen Strand Special Protection Area (Site Code: 004035), in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Conservation Objectives of the sites using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

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 7th day of August, 2025, 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. The layout of the proposed development shall be in accordance with drawing number 17033-CRA-XX-XX-DR-A-31003 Rev F as received by An Coimisiún Pleanála on the 24th day of November, 2025. A copy of the above-mentioned drawing shall be submitted to the planning authority for its records.

Reason: In the interest of clarity and the protection of existing trees proximate to the western site boundary.

3. (a) The floor plans for Type A and Type E residential units shall be in accordance with drawing numbers 17033-CRA-AA-XX-DR-A-32100 Rev B and 17033-CRA-EE-XX-DR-A-32104 Rev B respectively as received by An Coimisiún Pleanála on the 24th day of November, 2025.
- (b) The floor plans for Type C (Age Friendly residential units) shall be in accordance with the plans received by An Coimisiún Pleanála on the 24th day of November, 2025.

Copies of the above-mentioned plans and particulars shall be submitted to the planning authority for its records.

Reason: In the interest of clarity and residential amenity.

4. The developer shall ensure that all mitigation and monitoring measures set out in the Natura Impact Statement submitted with the planning application shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: To protect the integrity of European Sites.

5. The recommendations of the bat survey received by the planning authority on the 7th day of August, 2025 shall be implemented in full.

Reason: In the interest of environmental protection.

6. The measures and recommendations as outlined in the Arboricultural Assessment received by An Coimisiún Pleanála on the 24th day of November, 2025 shall be implemented in full. Prior to commencement of development, details of tree protection measures shall be submitted for the written agreement of the planning authority. A copy of the above-mentioned assessment shall be submitted to the planning authority for its records.

Reason: To protect existing trees proximate to the western site boundary.

7. (a) Boundary treatments shall be in accordance with drawing number 17033-CRA-XX-XX-DR-A-31005 Rev C as received by An Coimisiún Pleanála on the 24th day of November, 2025, except as required in order to comply with (b) below. A copy of the above-mentioned drawing shall be submitted to the planning authority for its records.

- (b) A maximum height of two metres shall be maintained for the full length of the western boundary to such a point where it meets the open space in front of proposed units 1 and 2. Thereafter, the boundary wall shall have a maximum height of 0.9 metres. The developer shall agree details in this regard in writing with the planning authority prior to commencement of development.

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

8. 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.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the proposed development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

10. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) Prior to commencement of development, a Stage 3 Road Safety Audit for the proposed development shall be submitted for the written agreement of the planning authority.

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

11. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

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. 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 amenity.

14. Functioning EV charging stations/points for car parking spaces shall be provided at least in accordance with the requirements of Table 33.11 'EV Charging Point Standards' in Volume 3 of the Sligo County Development Plan 2024-2030, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the planning application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the proposed development.

Reason: To provide for and/or future proof the proposed development such as would facilitate the use of Electric Vehicles.

15. (a) The landscaping design/landscape plan, submitted with the planning application, shall be implemented within the first planting season following substantial completion of external construction works.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (c) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. (a) The developer is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without their express consent.
- (b) The archaeologist is required to notify the Department of Housing, Heritage and Local Government in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Heritage and Local Government.

- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring shall be required. The Department shall advise the developer with regard to these matters.
- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Heritage and Local Government.

Reason: To ensure the continued preservation (either in situ or in record) of places, caves, sites, features or other objects of archaeological interest.

17. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to:

- (a) construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities, and
- (b) all of the mitigation and enhancement measures relating to the site, as set out in the Natura Impact Statement, the landscape plan, the bat report, and the arboricultural assessment provided by the developer in response to the appeal.

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

18. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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.

20. 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 apply. Following completion, the proposed 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 proposed development is carried out and completed to an acceptable standard of construction.

21. (a) Prior to the commencement of any house in the development, as permitted, 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.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

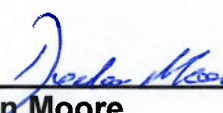
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. 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 Coimisiún Pleanála for determination.

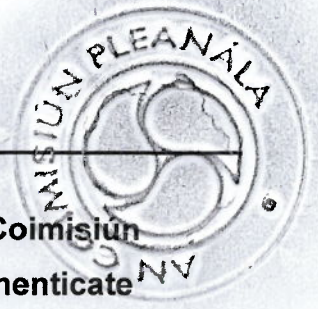
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. 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 Coimisiún 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.


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 19th day of AUGUST 2026.