



An  
Bord  
Pleanála

## Inspector's Report ABP-302046-18

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<b>Development</b>	Development consisting of a house, and all associated site works, including repair and rebuilding of adjoining walls along the road edge with openings for vehicular and pedestrian access
<b>Location</b>	Breeoge, Knocknahur, Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	18158
<b>Applicant(s)</b>	Kieran McDonagh
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	REFUSE
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kieran McDonagh
<b>Observer(s)</b>	Ena MacLoughlin; Breeogue and Local Residents c/o Seamus Devaney and Theresa Gilligan
<b>Date of Site Inspection</b>	26/11/18
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application site is situated in rural County Sligo, c.4km southwest of Sligo town, c.4.6km southeast of Strandhill village, c.3km northwest of Ballysadare village and c.800m south of Ransboro / Knocknahur, a rural settlement of sorts. The junction between the rural road network (including the R292) and the N4 is c.3km to the southeast.
- 1.2. The area is characterised by a rolling landscape interspersed by traditional field boundaries of hedgerows and trees, with a backdrop of higher hills, mountains and the sea. There is a very heavy presence of one-off housing along the road network (regional and local roads), to the point of visual suburbanisation. Ransboro (which is referred only to as Knocknahur on the OSI and Discovery maps) consists to of a church and a national school forming the focus of one-off housing radiating out from the crossroads, with no historic core.
- 1.3. Much of the rural road network in this area, including junctions with the regional network, is significantly substandard in terms of road widths, vertical and horizontal alignment and junction sight lines.

## 2.0 Proposed Development

### 2.1. Summary description:

The construction of a dwellinghouse with proprietary effluent treatment system and percolation area, and to carry out all associated site works, including repair and rebuilding of adjoining stone walls along the road edge with openings for vehicular and pedestrian access.

### 2.2. Supporting documents:

- Cover letter prepared by LiD Architecture addressing housing need criteria
- WWTS Site Specific Report prepared by Sepcon Waste Water Services
- Enclosure 1 - Land registry folio SL19483F
- Enclosure 2 - DAFM Herd No.U113348-5

- Enclosure 3 - Primary Food Producer's Register as a beekeeper under reg.no.HORT2339
- Enclosure 4 - Membership of Coolera/Strandhill GAA club
- Enclosure 5 – Land registry folio SL16236.
- Enclosure 6 – Land registry folio SL12472.
- Enclosure 7 – Map of mother's family home since 1959 and other relevant locations.
- Enclosure 10 - Letter from Brendan McDonagh that the applicant has been living with them since 2002, where it is not feasible or practical for him to use the shared kitchen for the purpose of extracting honey from his bees.
- Enclosure 12 - Letter from Matilda Casey confirming her permitting the applicant to undertake the construction of high quality stone walls, built by an approved stone mason in a fashion that is in keeping with the local stone wall typologies, on lands in her ownership adjacent to this application site as included in the application; and to allow him have and attend to an apiary on her land adjoining his property on a temporary basis since 2003
- Design statement

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

To **REFUSE** permission for 1no. reason on the basis that the proposed development was contrary to Council policy to restrict the one-off rural housing in rural areas under urban pressure to development constituting rural-generated housing need.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The report of the planning officer (13/06/18) is consistent with the decision of the planning authority and the single reason for refusal of permission.

### 3.2.2. Other Technical Reports

**Area Engineer** (24/05/18) – further information required concerning demonstration of line of sight, including longitudinal section along the line of sight at a height of 1.05m above ground (at entrance) to an object height of 1.15m above ground level. Standard conditions also attached.

**Environmental Services** (25/05/18) – no objection in principle, but further information requested on 4no. points including the submission of a completed standard Site Characterisation Assessment as per the EPA CoP; clarification of the proposed design for the tertiary WWTS including a site layout plan and a longitudinal section; and details of the competent technical professional proposed to supervise the installation of the proposed WWTS.

### 3.3. Prescribed Bodies

Irish Water (26/05/18) – No objection subject to standard conditions.

An Taisce (05/06/18) – Raises the issue of resolution of all issues under previous refusal (PA Reg.Ref.17/414), national policy objective 19 under the NPF and the SRHG 2005 (including s.4.5) concerning rural housing need, protection of water quality (guiding new development to sites where acceptable WWTS can be accommodated) natural and cultural heritage and landscape quality, and consideration of individual and cumulative impact of WWTS on surface and ground waters to comply with EU Groundwater Directive (80/86/EEC).

### 3.4. Third Party Observations

Letters of objection were received from Breeogue and Local Residents c/o Seamus Devaney and Theresa Gilligan, and from Ena MacLoughlin of Breeogue House. The main issues are repeated in the grounds of appeal and are summarised below.

Additional points raised may be summarised as follow:

- Misleading development description – the walls to be rebuilt, shown on the plans, are not on the site or on his property.
- The loss of the demesne wall, an item of heritage, is contrary to council policy to protect sensitive landscapes, including stonewalls, stiles, field patterns,

etc., and its removal severely damaged the visual amenity and character of the area.

- The Board previously (PL21.236478) did not accept the applicant's argument that he satisfied the criteria for rural-generated housing in this area.
- The applicant's answer to question 15 of the application form is incorrect as the demesne wall was a propose Protected Structure on the date of demolition.

## 4.0 Planning History

On the application site -

**Reg.ref.02/18** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**PL21.203571 / Reg.ref.03/233** – Permission **REFUSED** by the Board for a dwellinghouse, overturning the decision of the planning authority.

**Reg.ref.03/1106** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**PL21.208460 / Reg.ref.04/470** – Permission **REFUSED** by the Board for a dwellinghouse, overturning the decision of the planning authority.

**PL21.212998 / Reg.ref.05/28** – Permission **REFUSED** by the Board for a dwellinghouse, upholding the decision of the planning authority.

**PL21.217390 / Reg.ref.06/69** – Permission **REFUSED** by the Board (25/09/06) for a dwellinghouse, overturning the decision of the planning authority.

**PL21.217959 / Reg.ref.06/245** – Permission **GRANTED** by the Board (25/09/06) for a new agricultural entrance, upholding the decision of the planning authority.

**Reg.ref.06/998** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.07/307** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.07/606** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.07/889** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.07/1232** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.08/106** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**Reg.ref.08/392** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**PL21.236478 / Reg.ref.10/8** – Permission **REFUSED** by the Board (07/07/10) for a dwellinghouse, upholding the decision of the planning authority.

**Reg.ref.12/331** – Permission **REFUSED** by the planning authority for a dwellinghouse.

**PL21.245005 PA Reg.ref.15/99** – Permission **REFUSED** by the Board (15/09/15) for a dwellinghouse (design and layout being identical to that proposed under the current application under appeal), upholding the decision of the planning authority. The single reason for refusal was on the basis that the Board was not satisfied that the applicant comes within the scope of the housing need criteria, as set out in the Guidelines or the SCDP 2011-2017, for a rural house in this location; would contribute to the encroachment of random rural development and militate against the preservation of the rural environment and the efficient provision of public services and infrastructure; and be contrary to the SRH Guidelines (2005).

**PL21.246970 / Reg.ref.16/187** – Permission **REFUSED** by the Board (11/10/16) for construction of a ‘honey house’ (agricultural) building for the extraction and storage of honey. The single reason for refusal was on the grounds that the applicant had failed to demonstrate that the proposed development is a necessary development in this rural area outside of a designated development centre and in an area of international archaeological importance, the Cuil Irra Peninsula, contrary to policies P-LCAP-3 (to protect physical landscape and visual character), P-LCAP-4 (to protect historic and archaeological landscapes) and P-LCAP-5 (to protect and enhance



visual qualities of rural areas through sensitive design) of the SCDP 2-11-2017. The Board was not convinced that the existing and proposed bee keeping activity warranted or justified development of the scale proposed, which it considered to be more appropriately located on suitably zoned and serviced lands.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Sligo County Development Plan 2017-2023**

Section 3.0 Core Strategy - Section 3.3 Rural Settlement. Policies SP-S-4 and SP-S-7.

Section 5.3 Housing in Rural Areas – Policies P-RANR-HOU-1 and P-GBSA-HOU-1.

Section 7.4 Landscape Character – Policies P-LCAP-1 and P-LCAP-2.

Section 9.3.2 Wastewater Management in Rural Areas

Landscape Characterisation Map

### 5.2. Natural Heritage Designations

Ballysadare Bay SPA site code 004129 is located 0.5km to the south.

Ballysadare Bay SAC site code 000622 is located 0.5km to the south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of the first party appeal may be summarised as follow:

Rural housing need

- The facts of Mr McDonagh's case do in fact satisfy the SCDP 2017-2023 criteria for determining rural-generated housing, the sole reason for refusal [written opinion of Michael P.G. Wall, Barrister at Law, addressing each of relevant four of the five categories of rural-generated housing need, is noted].

- The applicant satisfies four of the five criteria, excluding category 1 (landowners and their families).
  - **Category 2** persons whose primary employment in a rural-based activity – He is employed as a District Superintendent by DAFM as auditor of REPS since 2002, a rural-based activity;
  - He works part time as a farmer tending a flock of 22 sheep and as a beekeeper (registered with Sligo-Leitrim Beekeepers Association) with 10 hives currently kept on neighbouring land, to be relocated once the house is built, with the intention to grow his engagement in small scale organic farming, of benefit to the local area and tourist industry.
  - He has lived in the countryside for over 50 years, grew up on a farm and spent his professional life in service of agriculture and rural development.
  - By living within the rural community, his REPS work is better informed to benefit and protect the local and wider rural community.
  - He has a genuine need to live rurally in the locality of his employment base, through REPS and his small-scale farming / horticulture.
  - He intends retiring early from DAFM (later 2018/2019), which will only be feasible if granted permission to build, with beekeeping and sheep farming becoming his primary employment.
  - The applicant's activities can be exercised on the current site (1.25ha) with potential expansion onto nearby lands he might lease, similar to his current arrangement with keeping bees on a neighbour's land.
  - **Category 3** persons seeking to build a house within the rural community in which the applicant has spent a substantial portion of their lives – the applicant has lived <4km from the site from birth to 17 years at Drumiskabole (within the same electoral district and both on the Coolera Peninsula), returning to the area and the family farm to help out relatives and neighbours at times of heavy seasonal work or illness.
  - Coolera / Strandhill GAA Club, of which the applicant has been a member as a child and currently, serves Breeogue and Drumiskabole; in agricultural terms one creamery and one blacksmith served Drumiskabole

and Breeogue, breeding and trade in livestock is done locally across the area and the youth club and Macra na Feirme serve the whole area. For the farming community the area is considered to be one community.

- Regarding the existence of separate churches, schools and local community shops between Drumiskabole and Breeogue (referred to in planner's report), these elements do not tend to delineate defined boundaries between rural communities which are more blurred and overlapping for various personal and social reasons.
- The applicant's mother's family home according to census 1911 is located in Carrickhenry [enclosure 5, land folio, noted], is now occupied by his first cousins, and he spend large portions of his childhood on his grandparents' farm, with his mother's people all buried in Kilmacowen Graveyard very close to Breeogue.
- His brothers and many family members live within 5km of the site, and his extended family within 4km (Carraore, Drumiskabole, Kilmacowen, Breeogue) as indicated on map [figure 1, and enclosure 6, land folio, are noted].
- The proposed house will be the applicant's only residence, as he owns no other property, house or site, and currently lives with his brother and his brother's family, only possible at their goodwill [enclosure 10 from his brother is noted].
- The applicant is willing to accept an occupancy condition.
- **Category 4** persons with links to the community...having lived in this community or with long established ties with immediate family members – the applicant has exceptional medical need, as supported by physician and psychiatrist letters [enclosures 8 and 9, respectively, noted] to living in a rural area in order to help resolve the issues partly stemming from and exacerbated by his current living situation, to facilitate his therapeutic involvement in small-scale sheep farming and beekeeping.
- The substance of the application satisfies the SCDP objectives for the management of rural housing which the rural-generated housing criteria were

instituted to support; does not represent an instance of development about which these policy objectives express concern; and there exists no other substantial issues or barriers to granting permission.

- Rural house design policies – design seeks to absorb, integrate with and enhance its rural setting by omitting the previously proposed c.32-sq.m garage and the third bedroom and two en-suite bathrooms located to the rear of the house (c.23-sq.m), replaced by shed/storage for farming and beekeeping.
- To resolve the misunderstanding about the boundary walls the applicant proposes as an integral part of the application, the construction of high-quality stone walls, built by an approved stonemason, in keeping with local typologies, to extend along the road beyond the boundaries of the site, as indicated in the application drawings, as consented to by the landowner, Matilda Casey [enclosure 11 noted].
- The proposal is positive consistent with the aims of the NSS and the SRHG and precipitates none of the negative effects commonly associated with one-off housing in rural locations.
- The core issue is compliance with rural housing need. The applicant has demonstrated a legitimate rural-generated housing need to live in the locality of the site in question.
- The Board is requested to grant permission.

## 6.2. Planning Authority Response

No observations to make (25/07/18).

## 6.3. Observations

Two letters of observation were received from Ena MacLoughlin of Breeogue House (02/08/18), and from Breeogue and local residents c/o Seamus Devaney and Theresa Gilligan, Breeogue, Knocknahur (02/08/18). The main issues raised may be summarised as follow:

- History of planning refusals where it was not accepted that the applicant, Mr McDonagh, had demonstrated an occupational need to live in this locality.
- Refers to previous observations (by Ms MacLoughlin) on previous applications refused by the Boards.
- Issue of applicant's removal of stonewall, including entrance and wall to neighbouring property, contrary to refusal by SCC and the Board in 2004.
- Alleges that Mr McDonagh is resident in Ballymote where his wife is involved in running her family's pharmacy business. He does not qualify for a legitimate rural housing need at this location.
- Disputes applicant has rural-generated housing need, referring to previous decisions.
- Would result in 4no. entrances within 10m, with increased traffic associated with traffic hazard, compounded by location of entrance near apex of bend at the top of a hill will diminished visibility (sight distance less than 90m) of traffic approaching from south, and is contrary to Road Safety Audit Guidelines (NRA HA 42/07).
- Permission was previously refused by the Board (PL21.246970, for a proposed honey house) for reasons including the generation of addition traffic on a substandard local road network which would endanger public safety by reason of a traffic hazard and obstruction of other road users.
- There is no entrance to the McDonagh/Casey lands adjacent the entrance to Breeogue House as set out in two Court Orders.
- The wall removed (in 2004) was a substantial demesne wall of heritage value, being 150-year-old and a proposed Protected Structure at the time of demolition, and did not warrant demolition for reason of instability, as was agreed in the Inspector's report PL21.208460. The stone material was buried on site along the boundary wall location.

## 7.0 Assessment

The main issues arising in this case may be addressed under the following headings:

- 7.1 Policy / Principle
- 7.2 Roads issues
- 7.3 Visual impact
- 7.4 Waste water treatment
- 7.5 EIA Screening
- 7.7 Appropriate Assessment Screening

### 7.1. Policy / principle

- 7.1.1. It should be noted that this is the first application for a dwellinghouse on this site since the adoption of the current Sligo County Development Plan 2017-2023. The development of rural settlements is addressed in the Core Strategy under section 3.3 *Rural Settlement* of the CDP is based on the underlying assumption that applicants with a demonstrable rural housing need will be accommodated subject to the policies set out under s.5.3 *Housing in Rural Areas*, as is reflected in Council policy SP-S-4 to *strengthen existing rural communities by facilitating sustainable rural settlement in accordance with the NSS and the SRH Guidelines (2005)*. It is also policy (SP-S-7) within the Core Strategy to *integrate transportation and land-use planning in order to reduce the need to travel (especially by car) and reduce the GHG emissions, by promoting the consolidation of development within settlements with adequate services and facilities*.
- 7.1.2. The current CDP provides for separate rural housing policies based on whether the site is within a rural area defined as under urban influence, or in need of regeneration. The site is located within that part of the County identified as under the urban influence of Sligo town (equates to areas under strong urban influence under the SRHG). Within such areas it is Council policy, **P-RAUI-HOU-1**, to *'Accommodate proposals for one-off rural houses ... subject to normal planning considerations, including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by specified categories of applicants (i.e. those falling within the scope of one of five specified categories, A to E, encompassing a wide range of potential applicants),*

*'AND where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area.'*

- 7.1.3. The applicant submits that he complies with four of the five categories of rural generated housing need (excluding category A, landowners and their families). In its assessment, the planning authority reviewed the applicant's housing need against those four categories. It did not consider the applicant's primary employment (category B) as a District Superintendent with the DAFM on the REPS scheme constituted a genuine need to live in this rural locality as the nature of his employment involves different rural locations in the county and is not tied to the locality of the site, nor that the applicant's involvement in beekeeping constituted his primary employment. The applicant also indicates that he keeps a flock of 22no. sheep, but given the size of the site and the proposal to accommodate a substantial dwellinghouse, WWTS and percolation area, an extensive drive and paved area, it is hardly feasible to also accommodate the flock on this site and there is no guarantee that the applicant can acquire lands to tend his flock locally. Even assuming the applicant retires from his job with the DAFM, his proposals regarding farming can not credibly be considered to constitute primary employment and I do not accept that the applicant does not fall within rural-generated housing need under category B.
- 7.1.4. Under category C (those with no family lands but within the area of their original family home, within the rural community where they spent a substantial and continuous part of their lives) the planning authority considered the applicant's rural ties (family home) to be at a distance from the site and within a different rural area (Drumiskabole, east of N4). I would accept that there is a level of subjectivity in considering whether or not the applicant could be considered to come from this rural area. Breeoge and Drumaskabole (AKA Drumaskibbole) are within the same electoral district as each other, although they are not adjacent townlands, but separated by at least two townlands.
- 7.1.5. Under category D (persons with rural links, having lived in the community or due to long-established ties with immediate family member), the planning authority noted the applicant had never lived here and his reference to family ties were historical and insufficient. The planning authority also did not accept that the applicant had demonstrated exceptional reasons (category E), including health reasons,

necessitating him to reside in this location. Accordingly, the planning authority did not accept that the applicant had established rural generated housing need.

7.1.6. Having reviewed the information on file, I consider the planning authority's conclusion to be reasonable. However, should the Board conclude that the applicant has demonstrated that the proposed development constitutes rural-generated housing need, it is also a requirement that the applicant demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area. I will address the relevant issues pertaining to same in the following sections.

7.1.7. I would note that the proposed one-off dwelling does not constitute ribbon development under the SRH Guidelines 2005.

## 7.2. **Roads issues**

7.2.1. The site has access onto a local road of substandard vertical and horizontal alignment, of very narrow width, unlined, without public lighting or public footpaths and in a poor state of repair (grass growing along the centre line). The 80kph speed limit applies on the local road in the location of the site. The local road connects to the regional road network c.550m to the north via a poorly aligned junction with extremely short sight distance to the right-hand side due to the very unfavourable vertical and horizontal alignment on the major road. This junction appeared to me to be unsafe. However, there is another junction with the regional road to the east via a slightly more circuitous route of c.730m, which appears to have much better visibility. The generation of additional traffic on this substandard road network is undesirable and has road safety implications for all road users, particularly those using active modes.

7.2.2. A vehicular entrance is proposed to the southern end of the roadside boundary, to which the applicant had indicated 90m line of sight. The SCDP requires (s.13.8.3 Entrances and sightlines) that all development providing access onto public roads must show that the access proposed will not create a traffic hazard or interfere with the free flow of traffic along such roads and that the availability of adequate sightlines from the access is crucial for road safety. The SCDP sets out under Table 13.B the sight distances that apply to primary and secondary roads (from TD 41-



42/09 DMRB, which are based on road design speed, not the adopted speed limit) but does not state that they are to apply to local roads under the Plan.

- 7.2.3. The Area Engineer was not satisfied that the application demonstrated adequate line of sight would be achieved at the entrance but did not raise issue with the indicated distance of 90m (this would apply at 60kph design speed). Given the design standard of the road I would defer to the Area Engineer and accept a 90m distance. The available line of sight has not been adequately shown in plan, in longitudinal section (as would be appropriate given the unfavourable vertical and horizontal of the local road), in accordance with the standard for demonstrating line of site as set out under DMRB TD41-42/09 (section 7.7) and to an appropriate scale. The applicant has not demonstrated that the site access can be accommodated without resulting a traffic hazard to other road users.

### 7.3. Visual impact

- 7.3.1. The proposed dwelling is of contemporary design, designed by LiD Architecture, and would make a strong visual statement in the local landscape, being located on the more elevation part of the site to the west (rear). On approach from the north, the dwelling is likely to appear monolithic due to the height and design of the northern elevation (see North-east elevation site section DD).
- 7.3.2. The dwelling would be visible over a wider area over to the south, including Ballysadare Bay and the Ox Mountains over which it would command good views. Although it would not have a significant adverse impact when viewed from a distance, it would contribute to the visual suburbanisation of this rural area, which is already at a significant level. The landscape is designated as a *normal rural landscape* under the landscape character assessment, which generally (according to SCDP s.7.4.3) have the capacity to absorb a wide range of new development forms however some such areas, due to their specific topography, vegetation pattern, the presence of traditional farming or residential structures will have limited capacity for development, including where they form the context for exceptional landscape features such as distinctive mountains or coastal areas (SCDP Appendix E County Landscape Designations). In this regard the application site is within the scope of a designated scenic route and within the vicinity of *sensitive rural landscape* to the

south, however I do not consider it likely that the proposed development would significantly impact on either receptor.

7.3.3. The applicant proposes to plant a sizable orchard between the house and the local road, which would provide some screening when viewed from the roadside adjacent the site if appropriate orchard species varieties were selected. The overall approach to screen planting is somewhat lacking with little thought given to views towards the dwelling from the northeast and southeast, including boundary planting. This could be addressed by condition.

7.3.4. I consider the proposed development, by reason of its design, layout and location, would contribute to the further visual suburbanisation of the rural landscape, which is undesirable.

#### **7.4. Waste water treatment**

7.4.1. It is proposed to serve the house with an onsite WWTS. The applicant has not submitted a completed site characterisation assessment form in accordance with the EPA CoP, which is a requirement under section 9.3.2 of the SCDP. It is the policy (P-WW-5) of the Council that all proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the EPA CoP.

7.4.2. In the absence of this information it is not possible to determine whether the site is suitable to accommodate a dwelling served by an onsite WWTS without posing a significant risk to groundwater. This would put at risk any local private well supplies in the area, although the area would appear to be served by a public mains supply (a new connection is proposed). There is no EPA information available on the quality status and risk of surface or ground water resources in the area on catchments.ie. In the absence of a site characterisation assessment in accordance with the EPA CoP, the proposed development would be prejudicial to public health.

#### **7.5. EIA Screening**

7.5.1. The proposed development is development of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 10. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwellinghouse, it is significantly

subthreshold the 500-unit limit provided under that part and, notwithstanding the site's proximity (c.0.5km) to sites of environmental sensitivity, namely Ballysadare Bay SPA and Ballysadare Bay SAC (consideration of potential for significant effects thereon necessarily to be addressed under Appropriate Assessment Screening procedures), EIA is not required.

## 7.6. Appropriate Assessment Screening

- 7.6.1. The proposed development is not located within a European site and does not relate to the management of any European site and direct effects can therefore be ruled out. The application site is within c.0.5km to two European sites to the south – Ballysadare Bay SPA site code 004129 and Ballysadare Bay SAC site code 000622 – and therefore there is potential for indirect effects.
- 7.6.2. The conservation objectives for Ballysadare Bay SPA are to maintain the favourable conservation condition of the bird species and habitat listed as Special Conservation Interests for this SPA – Brent Goose, Grey Plover, Dunlin, Bar-tailed Godwit, Redshank and wetland habitat. The Natura 2000 Standard Data Form lists continuous urbanisation<sup>1</sup> as both a negative impact (threat / pressure) and a positive impact on the subject European site. The proposed development, which is set back at a distance of c.0.5km from the European site, constitutes a form of dispersed habitation which is not listed as a threat or pressure on the European site.
- 7.6.3. The conservation objectives for Ballysadare Bay SAC are to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Narrow-mouthed whorl snail, Harbour Seal, Estuaries; Mudflats and sandflats not covered by seawater at low tide, and Embryonic shifting dunes; and to restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected: Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), and Humid dune slacks. The Natura 2000 Standard Data Form lists discontinuous urban development<sup>2</sup> external to the site as a medium threat / pressure to the European site. Notwithstanding the relatively high population density of this area (88 persons per km<sup>2</sup> compared to 70 p/km<sup>2</sup> for the state), which is associated

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<sup>1</sup> As opposed to discontinuous urbanisation or dispersed habitation.

<sup>2</sup> Note, this is separate to dispersed habitation.

with Sligo town, and the suburbanised character of much of the development, the proposed development, which is located c.0.5km from the European site, constitutes dispersed habitation which is not listed as a threat or pressure external to the European site.

- 7.6.4. Having regard to the foregoing, potential for significant effects, including direct, indirect and in-combination effects, on the integrity of the two said European sites in view of their conservation objectives, can be ruled out.

## 8.0 Recommendation

- 8.1. I recommend that permission be **REFUSED** for the reasons set out under section 9.0, below.

## 9.0 Reasons and Considerations

1. The application site is located within that area identified as under the urban influence of Sligo town where housing is restricted to persons who can demonstrate rural-generated housing need and *'where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area'* in accordance with policy P-RAUI-HOU-1 of the *Sligo County Development Plan 2017-2023*, which has had regard to Section 28 Guidelines on *Sustainable Rural House (2005)*. On the basis of the documentation on file, the Board is not satisfied that the applicant comes within the scope of the County Council's rural-generated housing need criteria and the proposed development, which would contribute to the further encroachment of random rural development in the area where there is a significant density of same, would militate against the preservation of the rural environment, the efficient provision of public services and infrastructure and the road safety for all users on the rural road network. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The application has not demonstrated that the site is suitable to accommodate a dwelling served by an onsite waste water treatment system

in accordance with the EPA Code of Practice (2009) through the submission of a completed site characterisation assessment, contrary to the provisions of the *Sligo County Development Plan 2017-2023*, including S.9.3.2 *Wastewater management in rural areas* and policy P-WW-5. The Board is not therefore satisfied that the proposed development would not pose a risk to public health and / or to the environment through contamination of groundwater.

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John Desmond  
Senior Planning Inspector

4 February 2019