



An  
Bord  
Pleanála

## Inspector's Report ABP 305213-19

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**Development**

'Lest Sligo Forgets' Great War Memorial Garden and all associated site works.

**Location**

Entrance to the Regional Park, Cleveragh Park Sligo.

**Planning Authority**

Sligo Co Council.

**Type of Application**

EIA Direction.

**Date of Site Inspection**

September 30<sup>th</sup>, 2019.

**Inspector**

Breda Gannon.

## **1.0 Introduction**

- 1.1. Under the provisions of Article 120 (3)(b) of the Planning and Development Regulations 2001, as amended, Donald & Anita O Connor are seeking a determination from An Bord Pleanala, as to whether or not the proposal to provide a monument and associated infrastructure at Cleveragh Park would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Sligo County Council are of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended.

## **2.0 Site Location and Description**

- 2.1. The site is located at Cleveragh Regional Park to the southeast of Sligo city centre. The park which is accessed from Cleveragh Drive extends to 252 acres and provides a range of active and passive recreational facilities. It lies opposite Sligo Regional Sports Centre and Sligo Racecourse lies to the northwest. The Garavogue river runs to the east and the western shores of Lough Gill lie to the southeast.
- 2.2. The site is located adjacent to the park entrance and comprises an area of unmanaged grassland. There is an overgrown ringfort to the south and an area of woodland to the west. Ground level rise from east to west within the site.

## **3.0 Proposed Development**

- 3.1. The proposal is to provide a memorial garden to those lost in the Great War (2014-2018). The memorial will consist of the following:
  - (a) The erection of 8 no. upright stone slabs each 2.150m in height arranged in a loose pinwheel or St Brigid's Cross shape.
  - (b) The provision of a limestone paved area with seating surrounding the sentinels.

(c) The provision of associated landscaping including a semi-mature beech hedge to the northern boundary and semi-mature silver birch trees planted in a 4m x 4m grid around the memorial.

(d) The erection of a 2.15m high information sign at the entrance to the garden.

#### **4.0 Request for Direction and Submitted Documents**

4.1. By letter dated 15th August 2019, Donald and Anita O' Connor submitted a request for a screening determination by the Board stating that it was their opinion that the proposed memorial is in conflict with the designations relating to Cleveragh and the Garavogue. Reference is made to the Environmental Report and the Appropriate Assessment Screening report of the Sligo and Environs Development Plan 2010-2016 and the objectives of the development plan.

The following summarises the content of the submission:

- The granite slabs will have an adverse and detrimental impact on the panoramic views of the mountain, woodland and river.
- The memorial is to be constructed beside a ring fort without archaeological surveys being undertaken. Questions the distance between the memorial and the ringfort.
- The area is a designated recreational and sporting facility used by walkers, runners, cyclists and sports clubs who will be inconvenienced during construction.
- Cleveragh is a park of exceptional natural beauty and an unspoilt natural habitat. It is also a special area of conservation. The memorial will not provide a habitat for wildlife.

4.2. By letter dated August 27<sup>th</sup> 2019, the referrer was requested to indicate the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended, within which the proposed development is considered to fall. No response was received.

4.3. On foot of a request from the Board dated 27<sup>th</sup> August 2019, the following documents were received from Sligo County Council.

- Schedule 7 Information Required for Screening Determination.

- Archaeological Assessment (prepared by Fado Archaeology)
- Screening for Appropriate Assessment (prepared by AONA Environmental)
- Part 8 Planning Design Report.
- Location map and drawings

The planning authority confirmed that the public consultation process relating to Part 8 had been initiated but that the process was suspended pending a screening determination.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the **Sligo Environs Development Plan 2010-2016**. The plan was adopted in 2009 and was due to expire in 2015. Sligo Borough Council was abolished in 2014 and the lifetime of the plan was automatically extended. In August 2017, the provisions of the plan were further extended through incorporation into the Sligo County Development Plan 2017-2023. The policies and objectives of the plan will continue to apply until the adoption of a Local Area Plan for Sligo and Environs.

The site is located in an area zoned 'Open Space'. It is an objective of the plan to develop a network of open spaces and Cleveragh Regional Park is placed at the top of the hierarchy. The plan contains a number of objectives including:

SP-OS-2: Protect and enhance the existing green areas and public open spaces, sports grounds, natural and semi natural amenity areas and to provide high quality new parks and recreational facilities to cater for the needs of the Gateway population.

SP-OS-6: Manage and maintain open space in public ownership to the highest standards.

Chapter 13 (Heritage) notes the importance of archaeological heritage and there are numerous policies/objectives in the plan which seek to ensure the protection, conservation and enhancement of archaeological sites, monuments and their settings.

Appendix A contains the Record of Monuments and Places. The monument within Cleveragh Park is identified as follows:

Slo14-134 Cleveragh Demesne -Ringfort (rath/cashel)

## 5.2. Natural Heritage Designations

The closest Natura 2000 site is Lough Gill SAC, located 0.13km to the southeast. Cummeen Strand/Drumcliff Bay SAC and Cummeen Strand SPA are located c.2 km to the northwest.

## 6.0 Legislation and Guidelines

### 6.1. Planning and Development Act 2000 (as amended)

**Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub-threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

**Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

### 6.2. Planning and Development Regulations 2001 (as amended)

**Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

**Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

**Schedule 5** of the Regulations sets out the classes of development where EIA is required.

Part 1 – Sets out the development classes which are subject to mandatory EIA.

Part 2 – Development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

6.2.1. **Schedule 7** – Sets out the criteria for determining whether a development would, or would not be likely to have significant effects on the environment, under three heading-

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

6.2.2. **Schedule 7A** - relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of revisions to Article 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018. The changes to Article 120(3) introduced by these regulations came into effect on 1<sup>st</sup> September 2018

## 7.0 **Assessment**

### 7.1. **Introduction**

The proposal is to build a memorial garden close to the entrance to Cleveragh Park. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. The planning authority submission is supported by a document entitled 'Schedule 7 Information Required for a Screening Determination' which will be referred to where relevant in the assessment.

The following matters are considered relevant in the assessment of the requirement for the submission of an EIAR in this case.

- Assessment of project type/class of development under Schedule 5 of the Regulations relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- Assessment of proposal under the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended.

## 7.2. **Relevant project types/class of development**

The referrer has not indicated the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended within which the proposed development is considered to fall.

The only class of development which it could be considered to fall is under *Infrastructural projects* under Part 2 of Schedule 5 which includes:

*10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*

## 7.3. **Relevant threshold under Class 10(b)(i) and Class 10 (b) (iv) of Part 2 of Schedule 5 of the Planning and Regulations, as amended.**

The threshold cited under Class 10 (b)(iv) in the Regulations is '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere*'. The proposed development would be accommodated in an area of 800m<sup>2</sup> and is therefore sub-threshold for mandatory EIA.

An assessment as to whether the project would be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended is set out below.

## 7.4. **Assessment of development under the criteria set out in Schedule 7 of the Regulations.**

Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

- Characteristics of proposed development.
- Location of proposed development.
- Types and characteristics of potential impacts.

#### 7.4.1. **Characteristics of proposed development**

##### Size and design of proposed development

The proposed development is described at Section 3 above. According to the planning authority screening report, an area of 800m<sup>2</sup> is involved. The garden will occupy a very small area of what is a substantial area of parkland (252 acres) and its landscaped setting will complement the existing use as an amenity area.

Having regard to the nature and limited scale of the development, I do not consider that a requirement for EIA arises.

##### Potential for cumulative impacts with other existing and/or approved projects

I am not aware of any relevant planning history relevant to the proposed site or its immediate environs. The planning authority submission states that no other development is proposed in the area. Having regard to the location of the development within an area of open space and which is zoned for that purpose, the potential for cumulative impacts would appear unlikely.

Whilst the construction phase is likely to generate cumulative impacts in terms of noise, traffic and visual impacts within the urban area, it is considered that these impacts will be insignificant due to the scale of the development proposed and the time scale involved. These impacts would not be of a magnitude that would generate the need for an EIAR.

##### Nature of any associated demolition works, use of natural resources, production of waste, pollution and nuisances.

There are no structures on the site that require demolition. The existing undeveloped area of grassland will be replaced with a landscaped garden. A footpath will extend from the existing roadway and terminate at a hard-landscaped area of limestone



paving slabs. This area will accommodate the limestone sentinels and limestone seating. The area will be surrounded by soft landscaping with semi-mature trees and a low bank to provide an acoustic baffle to the roadway. The proposal is to re-use existing soil and there will be limited potential for the production of waste.

Pollution and nuisance generated will also be limited by virtue of the nature of the proposed development. The construction phase may cause disturbance to park users but this will be limited to a very small area of the overall park and will be of short duration. Any impacts arising with the potential to cause pollution and nuisance can be effectively managed through best construction practice and environmental controls. No significant impacts are predicted during the operation phase. The proposal would be typical of any small-scale urban project, with limited potential for significant effects and the requirement for EIA.

#### Risk of major accidents and/or disasters including those caused by climate change

Having regard to the location, nature, scale and characteristics of the proposed development, it is considered that there is negligible risk of a major accident and/or disasters.

#### Risk to human health

Similarly, having regard to the location, nature, scale and characteristics of the proposed development, the risk to human health from water contamination, air pollution, noise etc is considered to be negligible.

### **7.4.2. Location of proposed development**

#### Existing and Approved Land Use

The proposed development is compatible and will complement the existing use of the land as open space. No significant adverse impacts in relation to land use are predicted.

#### Relative abundance, availability, quality and regenerative capacity of natural resources.

Whilst the proposal will result in the loss of a small area of grassland, soil and habitat, the development would be located in a large public park with an abundance of similar habitat. Having regard to the limited land take associated with the proposed development the potential for significant effects does not arise.

### The absorption capacity of the natural environment.

It is considered that the natural environment has the capacity to absorb the development. The site is located within the urban area of Sligo and removed from sensitive areas. The site is not located with a Natura 2000 site.

#### 7.4.3. **Types and characteristics of potential impacts**

##### Nature, magnitude and extent of the impact

The extent of the impact in terms of *geographical area* impacted and the size of the *population* likely to be affected is very limited. The proposal involves the provision of a small memorial garden within the existing large municipal park. There will be constructed related impacts but these will be highly localised, of short duration and capable of effective mitigation.

There will be some visual impact associated with the introduction of a formal garden into this undeveloped area and from the height of the sentinels. However, the development will be set against a backdrop of trees which together with proposed planting will limit the potential for significant effects. There are no protected views in the area and the site is well removed from the Garavogue River, the mountains to the south and houses in the vicinity. Arising from its location within the existing park the proposed development is not likely to give rise to significant impacts on *landscape* quality.

In terms of *biodiversity*, the proposal will result in the removal of grassland habitat and its replacement with a formal garden. This may result in the displacement of species that forage within the site. Having regard to the availability of vast areas of similar habitat nearby, it is not considered that significant adverse impacts are likely to arise.

The site is not within an SAC as contended by the referrer. The Screening Report for Appropriate Assessment notes that the closest Natura 2000 site is Lough Gill SAC (Site Code 001976) located c130m to the southeast. The site is also hydrologically connected to Cummeen Strand/ Drumcliff Bay SAC and Cummeen Strand SPA, located c 2km from the site via the Garavogue River.

There will be no direct impacts on any of these designated sites/species arising from the construction or operational phase of the development. There are no apparent

water course proximate to the site which would be impacted by construction activity. Whilst the potential does exist for indirect impacts on water quality arising from sediment release/other pollutants entering the river, this is considered to be remote having regard to the limited scale of the development and the separation distance to the designated sites. Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

Impacts on *land and soils* will be negligible having regard to the limited land take associated with the development and the proposal to re-use excavated soils on the site. There are no drainage features within the site and the proposed development is not likely to result in any significant risk to *water quality*.

Under the heading of *air and climate* and *noise and vibration* there is potential for impacts during the construction phase, with the potential to impact on the recreational amenity of the park. However, these impacts will be short lived and capable of effective mitigation.

There is potential for impacts on *cultural heritage*. The Archaeological Assessment notes that the site is located within the Zone of Archaeological Potential for recorded monument SLO14-134 (ringfort). The planning authority refers to the requirement for a 20m exclusion zone around the perimeter of the monument and the need for pre-development testing by a qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. These are standard requirements to protect the archaeological resource. Whilst the memorial will alter the setting of the monument, it is considered that the proposal has the potential to enhance the site and potentially improve the public's appreciation of the cultural resource.

Arising from these limited impacts, the nature and scale of the proposal and its relationship with the surrounding land use, it is not considered that the proposal would have significant negative impact in terms of *material assets*.

There is potential for *interactions* between environmental factors, notably between land, biodiversity and cultural heritage. Subject to the identified mitigation measures, significant interactions are not considered likely, or such that would give rise to likely significant additional environmental impacts.

#### Probability, intensity and complexity of impacts

The development will result in the loss of a small area of habitat. Having regard to the limited scale of the project, the nature of environmental impacts are not complex or intense.

#### Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature of the proposal which will involve the replacement of an area of grassland with a memorial garden, it is predicted that the impacts will be long-term, ongoing and only reversible if the garden is removed.

#### Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

#### Cumulative

The adopted plan has been subject to Strategic Environmental Assessment and it concludes that the adopted development scenario is the optimal solution having regard to environmental and planning effects. I am not aware of any other existing or permitted projects that would be likely to give rise to cumulative effects.

## **8.0 Recommendation**

Having regard to the nature and scale of the proposed development and the nature and characteristics of the receiving environment, I consider that the proposed development is not likely to have significant impacts on the environment and therefore an Environmental Impact Assessment is not required.

I would therefore recommend that Sligo Co. Council be advised that an Environmental Impact Assessment report is not required in respect of the proposed development.

## 9.0 Reasons and considerations

Having regard to the following:

- (a) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended and the limited nature and scale of the proposed development,
- (b) The location of the site and the existing pattern of development in the vicinity.
- (c) limited potential for significant impacts arising from the proposed development,
- (d) The submission of the planning authority

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required.

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Breda Gannon  
Senior Planning Inspector

1st October 2019