



An
Bord
Pleanála

Inspector's Report ABP 305561-19

Development	'Lest Sligo Forgets' Great War Memorial Garden together with all associated site works.
Location	Regional Park, Cleveragh. Sligo.
Planning Authority	Sligo County Council.
Type of Application	AA Screening Determination.
Applicants	Donald & Anita O Connor.
Date of Site Inspection	September 30 th , 2019.
Inspector	Breda Gannon.

1.0 Introduction

- 1.1. Sligo County Council is proposing to erect a memorial garden and associated site works at the entrance to the Regional Park at Cleveragh, Sligo. This case comprises a request from Donald & Anita O'Connor for a direction from the Board to Sligo Co Council that an Appropriate Assessment of the proposed development should be carried out.

2.0 Site Location and Description

- 2.1. The site is located at the entrance to 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 comprises an area of unmanaged grassland. There is an overgrown ringfort to the south and an area of woodland to the west. Ground levels 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.
- 3.2. The proposal also includes the erection of a 2.15m high information sign at the entrance to the garden.

4.0 Planning History

- 4.1. The planning authority have provided no details of any relevant planning history relating to the site. The Board recently determined that EIA was not required in respect of the subject proposal (ABP 305213-19).

5.0 Request for Direction

- 5.1. By letter dated 20th September 2019, Donald and Anita O' Connor submitted a request for an AA screening determination by the Board noting the proximity of the site to the Garavogue River, which is part of Lough Gill SAC.

6.0 Planning Authority Submission

- 6.1. The planning authority is of the opinion that a Natura Impact Statement is not required for the proposal. It notes the small-scale urban project proposed with limited potential for significant effects. Any construction related impacts would be highly localised, of short duration and can be effectively mitigated and managed. It further notes that a Screening for Appropriate Assessment report formed part of the documentation that was on public display for the Part 8 application.

7.0 Legislative Provisions

- 7.1. Under the provisions of article 250(3)(b) of the Planning and Development Regulations 2001, as amended, where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect. Where the Board determines that a development would be likely to have a significant effect on a European site it would require the local authority to prepare a Natura Impact Statement.
- 7.2. The guidance contained in '*Appropriate Assessment for Plans and Projects in Ireland -Guidelines for Planning Authorities*' (DoEHLG 2009) advises that all plans and projects not directly connected to, or, for the management of a Natura 2000 site must be assessed for its potential significant effects on that site before any decision is

made to allow that plan or project to proceed. Each plan or project must also be assessed for its possible in combination effects with other plans or projects. This process is designated 'appropriate assessment' and arises from obligations under Article 6(3) and 6(4) of the Habitats Directive.

8.0 Assessment

8.1. The proposal is to clear the site and replace an area of grassland with a landscaped memorial garden close to the entrance to the park. The development is a small-scale urban project comprising an area of c.800 m² located within a substantial municipal park.

8.2. The planning authority submission includes a 'Screening for Appropriate Assessment Report' prepared by Aona Environmental. In accordance with departmental guidance, the report identifies all designated sites within a 15km radius of the site. The sites range in distance from 0.13km to 10.45km from the proposed development. The majority of these sites (8 no.) were excluded from further assessment as no potential pathways were identified which would give rise to the potential for direct/indirect impacts on the designated sites or their qualifying interests. Having regard to the distance to these sites, to the nature of the works proposed and the source-pathway-receptor principle, I concur with the conclusion reached that there are no likely significant effects arising for these Natura 2000 sites from the proposed memorial garden.

8.3. The 3 no. remaining sites were brought forward for further assessment on the basis that potential impacts could arise. The sites included:

- Lough Gill SAC (Site Code 0019760),
- Cummeen Strand/Drumcliff Bay SAC (Site Code 000627), and
- Cummeen Strand SPA (Site Code 004035).

8.4. Lough Gill SAC lies c 130m to the south east and is designated for a number of habitats and for a variety of species:

[3150] Natural Eutrophic Lakes

[6210] Orchid-rich Calcareous Grassland

[91A0] Old Oak Woodland

[91E0] Alluvial Forests

[1092] White-clawed Crayfish

[1095] Sea Lamprey

[1096] Brook Lamprey

[1099] River Lamprey

[1106] Atlantic Salmon

[1355] Otter

- 8.5. Site specific conservation objectives have not been published for the site. The generic conservation objective is:

'To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex 11 species for which the SAC is selected'.

- 8.6. The submitted Screening Report identifies the potential impacts that could arise on the SAC which include disturbance to habitats and species for which the site is selected, decrease in water quality and the introduction of invasive species. There are no habitats resembling the Annex 1 habitats for which the site is selected within, or, proximate to the site. The proposal, which will be confined to a small area of the park will not encroach into or result in any loss of habitat associated with the SAC. There is no potential therefore for direct impacts on the SAC or its qualifying interests. The only potential impacts that could arise would be from the release of contaminants during construction. Having regard to the limited scale of this small-scale urban project, the absence of any drainage features within the site which would act as conduits and the separation distance to both the Garavogue River and Lough Gill SAC, it is considered that the potential for indirect impacts on qualifying interests is negligible.
- 8.7. The site is also potentially connected to Cummeen Strand/Drumcliff Bay SAC (Site Code 000627) and Cummeen Strand SPA (Site Code 004035) via the River Garavogue which discharges into Sligo Harbour.
- 8.8. Cummeen Strand/Drumcliff Bay SAC is designated for a range of habitats and species. Site specific conservation objectives have been published for the site and

these include to restore the favourable conservation condition of sea lamprey and to maintain the favourable conservation condition of all other habitats and species for which the site is selected (estuaries, mudflats and sandflats, embryonic shifting dunes, shifting dunes, fixed coastal dunes, formations on heaths or calcareous grasslands, petrifying springs, marsh snail, river lamprey and harbour seal).

- 8.9. Cummeen Strand SPA is designated for Brent Goose, Oystercatcher, Redshank and Wetlands. Site specific conservation objectives have been published for the site and these include to maintain the favourable conservation condition of the habitat and species for which the site is selected.
- 8.10. Having regard to the separation distance between the site and these Natura 2000 sites (> 2km), there is no potential for direct impacts. The only potential for indirect impacts on the Natura 2000 sites or their qualifying interests that could arise would be associated with the construction phase, through the potential release of sediment or other contaminants to the Garavogue River, which as noted above is considered to be remote. While there is potential for the generation of noise and dust/particulate matter during construction, due to the localised nature and limited duration of the works and the distance to the designated sites, no significant effects on qualifying species/birds are likely to arise. Following completion, the site will operate as a memorial garden with no potential for any significant effects on the designated sites.
- 8.11. The AA Screening Assessment does not identify any specific projects which can act in combination with this development and give rise to significant effects. The report considers the operative development plan, noting the policies/objectives to further develop recreational amenities in the area. The Plan has itself been subject to Appropriate Assessment.
- 8.12. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually and in combination with other plans and projects would not be likely to have a significant effect on any European Site and in particular Lough Gill SAC (Site Code 001976), or any other European site, in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment and submission of a NIS is not, therefore, required.

9.0 Reasons and Considerations

9.1. Having regard to:

- (a) the nature and scale of the proposed development,
- (b) the separation distance between the proposed memorial garden and the Lough Gill Special Area of Conservation and other European Sites,
- (c) the submission made to the Board by the persons made who made the request, which did not identify any potential significant effects on a Natura 2000 site, and by the local authority, including the Screening for Appropriate Assessment report dated July 2019,

it is considered reasonable to conclude that, on the basis of the information available, which is considered adequate to issue a screening determination, the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact statement for the proposed development is not, therefore, required.

Breda Gannon
Senior Planning Inspector

25th November, 2019