



An
Bord
Pleanála

Inspector's Report ABP-307708-20

Development	Mixed residential and commercial building.
Location	The Pier, Enniscrone, Co. Sligo.
Planning Authority	Sligo County Council.
Planning Authority Reg. Ref.	19209.
Applicants	Deerhouse Properties.
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant	Patricia Grimes.
Observer(s)	None.
Date of Site Inspection	22 January 2021.
Inspector	Philip Davis

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1.0 Introduction

This appeal is by a local resident against the decision of the planning authority to grant permission for a mixed use residential/commercial development on a prominent site in the seaside village of Enniscrone, Co. Sligo. The appeal relates mostly to design and amenity reasons.

2.0 Site Location and Description

2.1. The Pier, Enniscrone

Enniscrone (also spelt variously Inniscrone and Inishcrone) is a seaside/golf/surfing resort settlement in West Sligo, facing Killala Bay. The permanent population is just over 1,000, with significantly higher numbers in the summer season. It is located in the south-east corner of the bay, at the eastern end of the famous long strand and links golf course, with a rocky foreshore extending to the north, marked by a small pier. The village was little more than a fishing/farming cluster with a coast guard station in the mid 19th Century, but by the early 20th century had grown into a more substantive settlement along the Main Street, with a hotel, seaweed baths, a number of guesthouses and other local holiday attractions. It now has a number of small to mid sized hotels plus a range of other accommodation options, including a campsite and glamping site. The town is served by the Ballina to Enniskillen Bus Eireann service no. 458, which links it to the bus and rail stations in Ballina and Sligo Town every two hours in each direction. There are a number of small convenience and hardware stores serving the village, but no large supermarket or other retail outlet – the nearest higher order town is Ballina, 15km to the south-west.

The Pier is the local name for the area of slightly elevated land just inland of the harbour wall, which provides a sheltered anchorage and slip for small vessels but does not have any commercial or large-scale fishing use. This area has developed as a series of small developments of detached bungalows, seemingly mostly holiday homes, along with larger guesthouses and small hotels extending north from the Main Street. A paved coastal walk runs from the pier along the coastline for about 1 km. The sewage treatment plant for the settlement is located about 500 metres north of the appeal site in a shallow valley by the cliff edge.

2.2. Appeal site

The appeal site, with a site area given as 0.6290 hectares, is a field 50 metres inland on a slightly elevated site overlooking Enniscrone Pier, and around 750 metres north of the village Main Street. The land is roughly grazed and bounded with low stone walls and slopes down to the west. A powerline runs across the site. The land is rough and irregular, possibly as it was previously used for a boathouse associated with the coastguard station, which was relocated and probably demolished sometime in the late 19th Century. It abuts the public road as it runs to the pier on its **southern** side. To the **west** of the site is a grazed field around 30 metres wide before the coastal walk and rock cut platform of the sea edge just north of the pier. To the **north** is open heavily grazed grassland. **East** of the site are five bungalow dwellings on slightly elevated sites with their rear elevations overlooking the sea. Public toilets serving the harbour are just to the south-west of the site. The coast up to the harbour, up to around 50 metres from the site, is part of the Killala Bay/Moy Estuary SPA.

3.0 Proposed Development

The proposed development consists of a mixed use development up to three storeys in height with the following main elements:

- 2 no. commercial units with a gross floor area of 212 m².
- 4 no. 2 bedroom apartments and 1 no. 3 bedroom apartment with a total gross floor area of 436 m².
- 3 no. 2 bedroom townhouses with a total floorspace of 283 m².
- 8 no. semi-detached houses, with a total of 1753 m².

Following a request by the planning authority, the proposed development was redesigned and readvertised similar to the above but with the following elements:

- 3 storey residential and commercial building with 3 no. duplex apartments, 2 no. first floor apartments, 2 no. commercial units, 2 no. office/retail units and
- 4 no. detached houses.

The proposal includes a wastewater pumping system to utilise the towns wastewater treatment plant.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 13 no. conditions. The conditions are generally standard conditions – condition 2 set that the dwellings be for permanent occupation only and not used for short term or holiday letting.

Revised plans are requested regarding the provision of a 2 metre footpath next to the site (condition 3), along with revised bike parking. Condition 7 set a requirement for a wastewater pumping station to pump all effluent to the Irish Water sewerage network.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes previous planning permissions for mixed use developments on the site that were not implemented.
- Notes relevant policy in the CDP in Section 5.2 (urban housing policies), Section 5.6.1 on holiday and second homes, Section 9.5 on waste management and Sections 13.2/13.3 on housing guidelines.
- Notes that the site is zoned for mixed uses in the Enniscrone LAP 2014-2020.
- Notes that Irish Water did not respond to consultations, but Council Water Services states that there is no objection subject to the provision of an appropriate pumped connection to the sewer.
- Notes a total of 13 local submissions on file, generally objections.
- Notes that Part V agreement is required.
- Notes the absence of an AA screening assessment.
- States that the proposal for mixed use is consistent with policy.
- The provision of 16 residential units, i.e. approximately 25 units per hectare, is considered excessive. Cahermore Holiday Village, under construction nearby, is considered to have a more appropriate density (16-17 per hectare).

- It is considered that the bulk and scale of the houses is considered excessive, and the main block is overly complicated.
- The site is considered to be substandard with regard to open space.
- It is considered that the provision for parking for the commercial units is substandard.
- The submitted design statement is considered inadequate.
- A request for further information was made, specifying a redesign and a reduction in density.

Following the submission of revised drawings and additional information:

- It is noted that the development has been reduced in density as requested.
- The Design Statement submitted is considered adequate.
- It is noted that the applicant states that the proposed use is for permanent residential residents.
- It is noted that a certificate of exemption from Part V was submitted.
- The revised private open space is considered adequate.
- The revised parking is considered adequate, but further details are required on the submitted footpath details.
- It is noted that the applicant was unable to meet with the Environmental Scientist due to Covid restrictions, but it was considered that issues on the proposed pumping station could be conditioned.
- The submitted Construction and Waste management plan is considered adequate, in addition to a draft municipal waste management plan.
- An AA screening assessment was submitted, which concluded that there would be no significant impacts – this is considered acceptable.
- It is noted that there were no further external technical comments, but a number of local observers restated their objections.
- The proposed development was considered acceptable and a grant of permission was recommended.

4.2.2. Other Technical Reports

Area Engineer: No objection, but requested additional details.

Environmental Scientist: Concerns expressed regarding the proposal to pump wastewater and requested more details.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

A total of 13 submissions were made during the application, all objections, focusing on amenity and traffic issues, excess density, and impact on views and vistas in the area.

5.0 Planning History

PL04-1485: Permission granted (not implemented) in January 2006 for 22 no. holiday apartments with 4 retail units. This was appealed by a third party – the appeal was dismissed (**PL21.213315**).

PL07-669: Permission granted (not implemented) for four blocks including 12 no. apartments and 15 duplex apartments, in addition to 4 retail units.

6.0 Policy Context

6.1. Development Plan

The site is covered by the Enniscrone Local Area Plan 2014-2020. In this, it is zoned for Mixed uses. Policies set out in the Sligo County Development Plan 2017-2023 also apply.

6.2. Natural Heritage Designations

The site is within 50 metres of the shoreline, this area is designated as part of the Killala Bay/Moy Estuary SAC and SPA.

7.0 The Appeal

7.1. Grounds of Appeal

Patricia Grimes of Pier Road, Enniscrone

- It is argued that the proposed development would, contrary to the statement by the planning authority be injurious to local amenities.
- It is argued that it would not be acceptable in terms of traffic safety and convenience.
- It is argued that condition 2 about reserving the residential units for permanent occupation is unenforceable.
- Aerial photographs are attached in support of an argument that the development is out of character and scale with nearby buildings and would interfere with what is an 'unspoilt recreation area'.

7.2. Applicant Response

- It is submitted that the application is without substance or foundation and so should be dismissed by the Board under Section 138(1)(a) of the Act.
- The overall context of the application is set out.
- It is noted with response to the appellants request to address all issues, that the points raised were also raised during the application process and had been addressed in some detail by the planning authority.
- With regard to the above, it is noted that there are two previous permissions for similar developments on the site.
- The provisions of the LAP are summarised in support of an argument that the proposed development is fully in accordance with the local plan policy requirements.
- It is argued that the condition on permanent occupancy is legal and is typical of such applications.

- With regard to traffic, it is noted that the parking provision is typical of such schemes and is in line with all plan guidelines – a number of Board decisions relating to small towns and traffic are quoted, in addition to the previous Board decision on the site (**PL21.213315**).
- A number of drawings, including a cross section (page 8 of the appeal letter) are set out in support of an argument that there would be no impact on residential amenities. It is also submitted that the design is fully in accordance with Departmental residential housing guidelines.
- It is argued with regard to general environmental issues that technical issues were addressed in the planning departments report, confirming no identified impact on the SPA or other environmental matters.
- In conclusion it is noted that a development is strongly encouraged on this site in the LAP with regard to tourism and the Board is requested to grant permission.

7.3. Planning Authority Response

No comment on the grounds of appeal.

7.4. Observations

None

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Preliminary issues
- Principle of development/pattern of development
- Visual impact and tourism
- Residential amenities
- Traffic and parking
- Drainage and wastewater
- Flooding
- Heritage
- Appropriate Assessment
- Other issues

8.1. Preliminary issues

The applicant has requested that the Board dismiss the appeal under S.138(1)(a) of the Act. As the appellant was a previous observer to the application and has raised genuine planning issues, I do consider this to be an appropriate.

The appellant has questioned the legality of Condition 2, requiring that future purchasers of the apartment be permanent residents. Notwithstanding that I will address this appeal *de novo*, I would concur with the points raised by the applicant that this type of condition has been tested legally and it is within the powers of the planning authority to set and enforce such a condition, although it should be acknowledged that in the longer term there are potential difficulties with the level of monitoring and legal oversight required. I note, however, that Enniscrone is not within a Rent Pressure Zone designated under the 2019 Regulations on short term lets.

Notwithstanding the proximity of the proposed development to an SAC and SPA the nature and small scale of the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

8.2. Principle of development/pattern of development

The Sligo County Development Plan generally sets out policies for residential development and urban development in line with Government guidance as set out in a number of policy documents, including *Project Ireland 2040; Rebuilding Ireland* (2016); the *Urban Development and Buildings Heights Guidelines for Planning Authorities* (December 2018); the *Sustainable Urban Housing Guidelines* (2018) and the *Regional Spatial & Economic Strategy 2020-2032*), in addition to related guidelines and circulars such as DMURS. These policies consistently set out policy objectives for promoting high quality residential uses within existing urban areas at significantly higher densities than has been the norm in the past and where appropriate promoting mixed use and tourism related uses. More detailed policies are set out in the Enniscrone Local Area Plan 2014-2020. This was the operative plan at the time of the application but has now apparently expired. It is not clear from Sligo County Councils website if the Plan has been extended or if it is intended to replace it, but as circumstances have not changed significantly, I consider it reasonable to apply it as the operative statutory development plan for the site.

Enniscrone grew from a small village in the late 19th Century to being one of the main resort/seaside holiday towns along the north-west coast. It is characterised by a small main street with an extended scattering of residential and commercial uses, including local shops, shops catering for holidaymakers and day-trippers, with a number of pubs and cafes. The Main Street strip runs for over a kilometre, from the An Post Office in the old village core to the Diamond Coast Hotel, a modern resort hotel marking the westernmost expanse of the town, along with a caravan park and 'glamping village' close to the beach and links course. Cliff Road and Pier Road are the two main roads running north from the Main Street— both are lined with a mix of detached houses, small terraces, and commercial uses including guesthouses,

small restaurants and seaweed baths. There is a sizeable retirement/holiday development east of the Main Street, and a number of developments of residential and holiday schemes, mostly dating from around the mid-20th Century onwards west of Pier Road and extending further north. Functionally, I would consider the Pier area to be the northern extension of the mixed commercial/holiday core of the settlement. The appeal site is a very prominent area of land next to the pier and related activities, with a fine aspect overlooking Killala Bay.

The site is zoned as 'mixed uses' in the LAP and has had previous (now lapsed) planning permissions for mixed use development. The text of the LAP emphasises the growing permanent population base of Enniscrone with the commercial core being around Main Street, Cliff Road, and Pier Road, and notes that the proximity of Ballina has prevented the development of a wider range of retail/commercial functions. The need to upgrade the Pier is emphasised (section 4.4.1 of the LAP). It is identified as a 'Discovery Point' along the Wild Atlantic Way route. It states that '*Future development s on the lands zoned for mixed use adjoining the Pier area should include commercial/tourism-related facilities, to support the regeneration of this part of the town*'. Tourism Policy TOP-4 states that it is policy to:

Support the redevelopment of the Pier as part of the strategy to develop marine tourism, including the promotion of commercial development associated with the Pier, and the provision of stronger linkages between the Pier and surrounding scenic landscape, whilst ensuring the protection of designated sites through screening for Appropriate Assessment at project level.

And Policy TOO-1 states that it is policy to:

Ensure that the redevelopment of the site zoned for mixed uses at the Pier presents an attractive frontage to the square and provides appropriate facilities for walkers and other visitors of the Pier, possibly including a cafe/restaurant.

There are also proposals in the LAP for upgrades to footpaths and walks around Pier Road and the provision of a one-way system and there are a number of proposals for improving the Pier and its immediate environs (section 11.2.5 of the LAP). For areas designated as 'mixed uses', Section 5.3.6 states that:

Higher densities will be encouraged in areas adjoining the town centre and on lands zoned for mixed uses, in the range of 20 to 30 units per hectare (8-12 units per acre), depending on the site context and suitability.

Policy UDO-4 states that:

Any development on lands zoned for mixed uses adjoining the Pier area will be required to address the public space by providing an active frontage onto it.

The LAP defines Mixed use areas as:

MIX – mixed uses Objective: Promote the development of a dynamic mix of uses able to create and sustain viable village centres. Commercial (including retail), residential, leisure, community, office and suitable enterprise uses are encouraged in the village centres, as well as high-amenity open space.

Although the LAP does not address this site in detail, having regard to all the policies above and the policy objectives set out in the LAP and CDP, the core objective would be to promote and seek developments on the site with a mix of permanent residential use along with tourism/watersport related commercial activities that would complement the Pier. In terms of usage and general design, I would therefore consider the proposed development to be consistent with the zoning designation and the overall general thrust of urban development/commercial/retail and tourism policy as set out in the LAP and CDP.

Notwithstanding this, the density of development is problematic. The first application included 16 units, which equates to a density of around 25 per hectare. This is consistent with section 5.3.6 quoted above which seeks '20-30 per hectare' for such mixed use sites. The reduced scheme granted by the planning authority has just 9 units, which equates to a density of around 15 per hectare. I note that the previous two permitted (now expired) schemes were for high density, primarily holiday apartment usage.

The Sustainable Residential Developments in Urban Areas Guidelines sets out density standards for smaller towns or villages in Section 6. Within the central area of such settlements, the range of 30-40+ is recommended. For 'edge of centre sites', densities to a range of 20-35 are considered appropriate depending on context. Due to the prominent and relatively central nature of the site, it is difficult to see how any standard but the first should apply, so a minimum target for this site should be at least a density of 30 dwellings, which equates to around 18 units.

Some allowance should of course be made for the significant commercial element proposed and the need for additional parking. The requirement for a significant amount of parking associated with the commercial uses has shrunk the 'useable' element of the site, but I do not consider that this is a justification for a density well below national guidelines, and significantly below the specific policy targets in the LAP. The planning authority gave no explanation for their aim for such a low density in the planner's report, except insofar as it was considered appropriate to match other holiday developments in the area. It states in paragraph 12.2 of the planners report that the target should be to the 'lowest figure in the recommended range', i.e. 20 units per hectare, but what was granted is significantly below this by my calculations. I note that in Appendix A of the guidelines there is a certain amount of flexibility in calculating density net of distributor roads, shops, etc., but even on a generous allowance I would still consider the density of the revised proposal to be significantly below that required by national guidelines and no justification has been provided for this.

At a generous interpretation of the relationship between the LAP and national Guidelines, 20 units per hectare might just be just about acceptable, although I would consider this site would justify a significantly higher density due to its location. It is, however, in my opinion not possible to reconcile the final design as submitted and approved by the planning authority with national policy that has been in place for over a decade. The proposed development has far too low a residential density for such a key site within the town. **I consider that for this reason, the 9 unit scheme should be refused planning permission on the basis that it is contrary to national and LAP policy on density for such mixed use sites.**

The option is open to the Board to condition the proposed development such that the original layout and density be permitted. At around 25 units per hectare it would be within national guidance for an edge-of-centre site for a small town or village, and within the limits set by the LAP. Notwithstanding this, I consider that this site should be considered as 'centrally located' as defined in the Guidelines, and as such 30 units should have been the minimum target to be consistent with such policy.

8.3. Visual impact and tourism

As noted above, the site is within a key area at a prominent location within the town, one of importance both for its location where the settlement area meets the old pier and the cliff walk, and its key point in the Wild Atlantic Way route. The Pier, while having minimal use for commercial fishing, is an important element in the towns tourism use, and is popular for swimmers, surfers, leisure craft, etc., as well as a component of walking trails in the area. Although separated from the Main Street, there is a reasonably continuous line of commercial uses between the Main Street and the Pier, most notably the well-known seaweed baths. It is important therefore that the design has a suitable presence and functions to complement the uses around the Pier if possible.

The design involves a 3-storey structure with commercial uses at ground floor level facing the south, and would be clearly visible to all approaching the Pier area from the Main Street. I consider the design and the manner it addresses the public areas

to be generally satisfactory, notwithstanding my overall concerns about the density proposed.

The dwellings to the east have prominent locations overlooking the bay, and much of the development here will significantly impact on their views. While the concern of the residents here is understandable, this is zoned land at a prominent location, and anything but a very low-level single-story structure would interfere with these views, and I would not consider such an approach to be appropriate for a site of this nature.

I would note however that the very low density around the four permitted dwellings and the extensive area of parking to the rear is a loss of opportunity to create a more visually appealing structure when viewed from the perspective of the cliff walk.

8.4. Residential amenities

The site adjoins five detached dwellings on somewhat higher ground to the east. While as noted above, the proposed development would interfere with the views from the rears of these dwellings, the separation distance and overall height and design would result in a satisfactory level of separation between windows and the overall height, so I do not consider that there would be an unacceptable level of impact on the amenities of those, or any other dwellings, by way of loss of privacy or overshadowing, having regard to the overall urban nature of the area.

The layout and orientation of the proposed dwellings and apartments are in line with standards set out in the most recent national guidance, and so I consider them acceptable in terms of internal amenities, although I would question whether the access and parking layout is consistent with DMURS.

8.5. Traffic and parking

The immediate area is apparently subject to a high level of traffic congestion in high season, although this could be seen as an inevitable consequence of the popularity of a seaside resort when the sun shines and daytrippers come for the various

attractions of the town. The LAP sets out various proposals for the area for improvements to the footpaths in particular, and for parking in the area of the pier. It set a high requirement for parking for the commercial units, and given that they would likely be used by tourism based businesses, this seems reasonable, although it does have consequences for the overall design and layout of the site with a very significant proportion of it being given over to surface parking. I note however that the design of the entrance and access to the site makes little reference to the recommendations set out in DMURS.

In overall terms, the provision of parking is in line with development plan standards, and the access with proposed footpath improvements is acceptable to the planning authority.

8.6. Drainage and wastewater

Enniscrone is served by a relatively new wastewater treatment plant approximately 500 metres north of the appeal site. The main trunk sewer runs through the site. It appears from documentation on the site that a pump would be required for the proposed development due to levels differences.

Although there is not a lot of detail on the file, the WWDA license is available online and it appears that there is sufficient capacity within the system for the proposed development – the WWTP was designed to accommodate a maximum loading of 5,000 p.e., which is anticipated to be the maximum summer population by the year 2026. It is noted that Enniscrone Beach is a designated Bathing Area, and there are shellfish waters (as defined under the EC (Quality of Shellfish Waters) Regulations 2006 in Killala Bay, in addition to an SAC and SPA.

There is no information on file, but it appears that the town is served by sufficient drinking water suitable for the proposed development and Irish Water had no objections to a connection.

While there is some ambiguity in the submitted documents about the details of the pump required for connecting the site to the Irish Water WWTP, it appears that there is sufficient capacity for such a development and as such there are no planning issues around the disposal of foul or surface water, or the provision of drinking water.

The site is close to the coast, but is sufficiently elevated that there is no record of flooding and no indications from available documents that there is a risk of flooding for the site, or that run-off from the site could result in flooding elsewhere. There are no natural watercourses on or adjoining the lands.

8.7. Heritage

The adjoining Pier was built around 1840-1860. It is described in the NIAH as follows:

Limestone pier, built c. 1850. Stepped sea wall to north and west, slipway to south-east. Concrete repairs c. 1950. Tooled limestone copings and steps to sea wall, tooled limestone kerbs to south edge of pier, coursed limestone flag paved surface to pier, tapered dome-headed limestone capstans, cast-iron mooring rings let into paving. Limestone steps descending to sea-level on south side at east and west ends, tubular steel balustrades c. 1950, limestone steps ascending to top of sea wall. Located at north end of Inishcrone beach, Killala Bay to west.

And its appraisal:

This fine pier displays a high level of technical skill and craftsmanship in its construction. In spite of, relatively recent concrete repairs, it retains original features such as stone capstans, flagstones and kerbs, all of which are important survivals. A prominent feature of this seaside town, the pier is still in use as a mooring for local fishing vessels in addition to providing a visual stop to the view north.

I do not consider that the proposed development would impact on the setting of this structure. Older plans indicate that there was a coast guard station/boathouse on the site, but there are no remains visible. There are no protected structures nearby. There are a number of recorded ancient monuments to the north within a kilometre, including a ringfort and a cliff fort, and there are some indicators (including the remains of a castle) of medieval remains around the Main Street, so it is reasonable to assume that the overall area has a long history of settlement and possible archaeological remains. However, it is clear that the site was extensively disturbed in the 19th Century so I do not consider that an archaeological survey is justified.

8.8. **Appropriate Assessment**

The site is located close to the coast within 50 metres of the coastline, which is designated as both an SPA and SAC. The site is zoned in the LAP, which was subject to SEA screening, and a Habitats Directive Assessment Screening Statement was submitted with that LAP.

The Killala Bay/Moy Estuary SAC (000458) is designated for its importance for a variety of coastal habitats, including estuary mudflats and sandflats, vegetated sea cliffs, dunes, and three specific species, the narrow-mouthed whorl snail, the sea lamprey and the harbour seal. The Conservation Objective is to maintain the favourable conservation condition of those habitats and species, the most relevant to the appeal I would consider to be Atlantic salt meadows and vegetated sea cliffs. The designated area is the coastal and sea area south of the Pier. The closest part of the site is therefore the enclosed area of the pier, which would not have any of the designated habitats, except possibly for the harbour seal.

I note that the definition of Atlantic salt meadows (*glaucopuccinellietalia maritimae*), is of communities of herbaceous halophytic plants growing on the margins of tidally inundated shores. As the site and adjoining areas do not contain this vegetation and is not tidally inundated, I am satisfied that no part of the site can be characterised as such.

The Killala Bay/Moy Estuary SPA (004036) is designated for its qualifying interest as a habitat of a range of shore and sea birds, including three species of plover, sanderling, dunlins, bar-tailed godwit, curlew and redshank. The conservation objective is to maintain the favourable conservation condition of those species, and other water and wetland birds. The estuary is considered particularly important for wintering birds. The boundary of the SPA is about 300 metres to the south of the pier.

The applicant submitted a screening assessment with the revised submission, and this screening concluded that there would be no significant impacts, and as so a stage 2 AA would not be required.

The site is closely grazed grass and is next to a busy road and beside houses, so I am satisfied that it does not contain any of the qualifying interest habitats of either the SAC or SPA. It cannot of course be ruled out that some of the birds listed in the interest may use it occasionally for roosting at high tide or other times, but due to its location and nature, this would be intermittent, and I am satisfied that it would not interfere with the overall conservation interests, directly or indirectly.

With normal management of the construction, I am satisfied that there would be no off-site impacts that could impact, directly or indirectly, on the qualifying interest habitats. Wastewater from the site is to be pumped north to the town's wastewater treatment plant, which is licensed and has the capacity for the proposed increase, and discharges treated effluent around 500 metres north of the designated habitats.

I therefore concur with the conclusion of the submitted screening assessment – I do not consider that there are any direct or indirect pathways for pollution or other impacts that could impact on the nearby designated habitats, and there would be no loss of habitat that would impact on the conservation interests of any of the qualifying interests.

I therefore conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004036 or no. 000458, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.9. Other issues

I note that the planning authority considered that the proposed development was exempt from Part V requirements. I also note that the site would be subject to a S.48 Financial contribution.

I do not consider that there are any other substantive planning issues raised in this appeal.

9.0 Recommendation

I recommend that the Board refuse permission for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

The site is in an area close to the commercial centre of the town of Enniscrone, on land zoned for mixed use, for which the Enniscrone Local Area Plan 2014-2020 states development should be in the range of 20 to 30 units per hectare. The Sustainable Residential Developments for Urban Areas Guidelines issued by the Department of Housing, Local Government and Heritage in 2009 and updated in 2020 states in Chapter 6 that in small towns and villages for which LAP's are required, densities of 30-40+ dwellings in centrally located sites and 20-35 dwellings per hectare would be appropriate on edge of centre sites. Notwithstanding the

planning history of the site and the zoning designation and the inclusion of commercial elements, it is considered that 9 units represents a substandard level of development that is significantly below the density requirements of the Local Area Plan and national guidelines. The proposed development therefore materially contravenes the policy objectives of the development plan and national policy and as such represents a substandard design and layout which would be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

28th January 2021