



An
Bord
Pleanála

Inspector's Report ABP-308504-20

Development	Removal of ruins and the construction of a two-storey house, garage, wastewater treatment system, vehicular access and associated works
Location	Carrowreagh townland, Riverstown, County Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	PL20/102
Applicant(s)	Seppi and Margaret Hona
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Jason and Heather Collins
Observer(s)	None
Date of Site Inspection	1 st April 2021
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site measures 0.64ha and forms part of the applicants' 10 hectare landholding in the rural townland of Carrowreagh, which is situated 3.5km to the southeast of the village of Riverstown in south County Sligo. It includes approximately 58m frontage along a single-lane local road (L-5302-0), which has an 80km/h speed limit. It currently accommodates stonewall ruins that are stated to have previously formed part of a house. The remainder of the site comprises recently planted commercial forestry, as well as hedgerows and trees forming field boundaries. There is an existing recessed access gate on the roadside boundary, which features a drainage channel that flows towards a land drain along the northeast side boundary of the site. Ground levels on site rise steadily in a southwest direction from the northeastern side land drain. The surrounding area is characterised by a patchwork of agricultural fields overlaying undulating ground, interspersed with commercial forestry and sparsely populated one-off housing and farmsteads that are generally setback and fronting onto the local road network. The remains of a ringfort are located on higher ground approximately 80m to the west of the site within the applicants' landholding.

2.0 Proposed Development

- 2.1.** The proposed development for which permission is sought, would comprise the following:
- the demolition and removal of ruinous stonewalls previously forming a house measuring approximately 122sq.m;
 - the construction of a four-bedroom two-storey house measuring a stated 214sq.m and a detached garage measuring 54sq.m;
 - the installation of a proprietary effluent treatment system with a soil-polishing filter raised percolation area, upgraded and widened vehicular access, water supply and all associated groundworks and landscaping.
- 2.2.** In addition to the standard documentation and drawings, the planning application was accompanied by a site suitability assessment report addressing the proposed on-site disposal of effluent and a letter outlining the applicants' local housing need.

The applicants submitted drawings of the ruins on site after the initial lodgement of the application. Following a request for further information, the applicants submitted further wastewater treatment details, a Design Statement and a Tree Survey.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the proposed development, subject to 15 conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the planning authority (June 2020) noted the following:

- the site is within a 'rural area in need of regeneration' where persons seeking to develop a house would generally be accommodated under planning policy;
- the old ruin on site is not intact and does not exhibit the main characteristics of a house, therefore, the proposals cannot rely on replacement housing policy;
- to reduce the extent of excavation on site, the house should be repositioned further to the east;
- the development site is at a remove from European sites and an Appropriate Assessment is not required. Significant effects on the environment would not arise and an environmental impact assessment report (EIAR) is not required;
- further information should be provided with respect to the proposed percolation area and other details relating to the on-site wastewater treatment system;
- further details are required with respect to the connection to the water supply mains, which is located 750m from the site;
- a tree survey and a design statement should be provided.

The recommendation within the report of the Planning Officer (October 2020) reflects the decision of the planning authority and noted the following:

- the applicants published and displayed revised notices relating to the application;
- the further information submitted is acceptable and no objection is raised regarding wastewater treatment proposals;
- proposals are consistent with rural housing policy and the revised house location would require less excavation works with no adverse impacts on residential or visual amenities arising.

3.2.2. Other Technical Reports

- Environmental Services – following a response to further information, no objections arise, subject to conditions;
- Area Engineer (Roads) – grant;
- Water Services – no response.

3.3. Prescribed Bodies

- Irish Water – no objection, subject to conditions.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the planning authority, an observation was received from the residents of the house directly opposite the appeal site. The issues raised in this observation are similar to those raised in the grounds of appeal and they are collectively summarised below under the heading 'Grounds of Appeal'.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Preplanning discussions regarding the development of a house on the appeal site were held between representatives of the planning authority and the applicants

during November 2019 and January 2020 (under planning authority reference PP/4352). I am not aware of any other planning applications relating to this site.

4.2. Surrounding Sites

- 4.2.1. Reflective of the character of the area, planning applications for development in the immediate area relate to one-off housing, agricultural development and commercial forestry, including a permission granted by the planning authority in October 2019 for a new forestry access on a site approximately 70m to the northeast of the appeal site (planning authority reference 19/313).

5.0 Policy & Context

5.1. Sligo County Development Plan 2017-2023

- 5.1.1. General planning policies and objectives for the county are outlined in Volume 1 of the Sligo County Development Plan 2017-2023, while more specific local policies and objectives for settlements are outlined in Volume 2 of this Plan. Section 5.3 of the Plan addresses rural housing, including policy P-RANR-HOU-1 with respect to proposals for one-off houses in rural areas in need of regeneration. Policies P-RHOU-1 and P-RHOU-2 address the need for an appropriate siting and design for rural housing, including compliance with the guidance and development management standards set out in Section 13.4 of the Development Plan. Section 5.6.2 of the Development Plan addresses policy with respect to derelict houses and outlines that where it is proposed to replace or restore an existing house, this house should be clearly recognisable as a dwelling. This means that the main characteristics of a house (i.e. external walls, roof, and openings) must be substantially intact and the structure, when last used, must have been used as a dwelling. Other relevant sections of the Development Plan include:

- Section 7.1.1 – Designated sites for Nature Conservation;
- Section 7.2 – Archaeological Heritage;
- Section 9.3.2 – Waste Management in Rural Areas;
- Section 10.7 – Flood Risk Management;
- Section 13.8.3 – Entrances and Sightlines.

5.2. National Guidelines

5.2.1. The following national guidance documents are considered relevant to this appeal:

- National Planning Framework – Project Ireland 2040;
- Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters (Inland Fisheries Ireland, 2016);
- Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e. ≤ 10) (Environmental Protection Agency, 2009) and subsequent clarifications;
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (Office of Public Works, 2009);
- Sustainable Rural Housing Guidelines for Planning Authorities (2005).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
001898	Unshin River SAC	1.3km	northwest
004050	Lough Arrow SPA	2.4km	south
001673	Lough Arrow SAC	2.4km	south
001656	Bricklieve Mountains and Keishcorran SAC	5.6km	southwest
001976	Lough Gill SAC	10.4km	north
000638	Union Wood SAC	13km	north
000636	Templehouse and Cloonacleigha Loughs SAC	13.9km	west
000622	Ballysadare Bay SAC	15.5km	north
004129	Ballysadare Bay SPA	15.5km	north

5.4. Environmental Impact Assessment - Preliminary Examination

- 5.4.1. Having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. In conjunction with their third-party observation, the appellants' grounds of appeal, can be collectively summarised as follows:
- proposals would lead to precedent for further similar development, which would be contrary to local, county and national planning objectives supporting compact urban and rural settlements, while facilitating unsustainable suburbanisation and continued sprawl;
 - housing within villages such as Riverstown should be occupied initially, rather than allowing for the proliferation of housing into rural areas. In accordance with the Development Plan, there are ample houses available in urban and rural areas proximate to the site and within the County, which should be occupied prior to developing this site;
 - the applicants use a sizeable proportion of the subject site for commercial forestry and they do not have a genuine rural housing need based on the information submitted;
 - the site is within greenbelt land outside the village of Riverstown and the proposed development would detract from the visual amenities of the area and would diminish views of the countryside, including views towards an elevated hillfort to the rear of the site;
 - proposals would be reliant on an unsustainable provision of services;

- the ground on site is poorly draining and the immediate area, including the adjoining roadside, is prone to flooding, as evidenced in the submitted photographs, social media extracts and video footage. Consequently, it is surprising that the percolation tests were satisfactory and it is likely that the development would lead to increased risk of flooding elsewhere, therefore, a flood risk assessment should be undertaken;
- the site and the proposed surface water drainage would drain into a land drain that connects into the Unshin river;
- the lands that are stated to be in control of the applicants are not accurately portrayed on the drawings submitted;
- for privacy purposes, as many as possible of the existing trees should be maintained along the roadside boundary;
- there is a need to consider the provision of an additional alternative vehicular access to serve the commercial forestry on the subject landholding and the proposed vehicular access to serve the house should not be allowed;
- an occupancy clause of ten years should be attached;
- the proposed house would be of substantive size relative to the former cottage;
- the biodiversity of the site is worthy of conserving, despite featuring common species and commercial forestry.

6.2. Applicants' Response

6.2.1. The applicants' response to the grounds of appeal can be summarised as follows:

- it is disingenuous of the appellants to assert that the applicants do not have a genuine local housing need, particularly given the process they have complied with and the actual rural housing policy for this area;
- the site is not or has not been at risk of flooding and the evidence provided by the appellants is lacking quality and is not an accurate reflection of the situation, particularly as the reports from the planning authority and the

applicants' engineers has not highlighted a flood risk and as works to address drainage in the area have been undertaken;

- when a commercial forestry access is required in the future, this would be applied for;
- the proposals are a sufficient distance from the hillfort feature, as is the commercial forestry, and the proposed house would not impact on views of this feature;
- it is unfortunate that the appellants object to a young family developing a home within an area suffering from depopulation, despite the applicants responding successfully to various concerns of the appellants at the planning application stage.

6.3. Planning Authority Response

- 6.3.1. The planning authority's response to the grounds of appeal reaffirms their assessment of the proposed development, as outlined in the planning officer's report, and states that the appellants have not submitted any additional information that would alter the planning authority's decision.

6.4. Observations

- 6.4.1. None received.

7.0 Assessment

7.1. Introduction

- 7.1.1. I consider the substantive planning issues in the assessment of the application and appeal, relate to the following:
- Rural Housing Policy;
 - Flood Risk;
 - Wastewater Management and Treatment;
 - Appropriate Assessment;

- Surface Water Quality;
- Archaeology.

7.2. Rural Housing Policy

Housing Need

- 7.2.1. The grounds of appeal assert that the applicants do not have a genuine local housing need to reside in this area based on planning policy and given the availability of other housing in the surrounding area and county. The applicants state that they own and have planted trees on the subject ten hectare landholding since purchasing the site in 2017 and one of the applicants works as an inspector for the Department of Agriculture, Food and the Marine, albeit with a base in Drumshanbo, which is approximately 20km to the southeast. These facts are not contested in the grounds of appeal.
- 7.2.2. The site is located within part of the county identified in the Sligo County Development Plan 2017-2023, as a 'rural area in need of regeneration' and in such areas it is policy P-RANR-HOU-1 to accommodate proposals for one-off houses, subject to normal planning considerations, including the Habitats Directive and development management standards. The Development Plan policy P-DHOU-1 facilitating proposals for the replacement of derelict houses with new houses cannot be relied upon in this case, as the former cottage on site is in a ruinous structural condition and, therefore, does not meet the terms set out under section 5.6.2 of the Development Plan for replacement housing. Based on Development Plan policy there is not a requirement for the applicants to demonstrate that they have a local housing need to reside in this area.
- 7.2.3. The site is in a low density housing area, a substantive distance from the nearest urban settlement, namely the village of Riverstown, which is 3.5km to the northwest, and based on the Sustainable Rural Housing Guidelines and national policy objective (NPO) 19 of the National Planning Framework (NPF), it is not within a rural area under strong urban influence. Single housing can be facilitated in areas such as this, albeit subject to meeting design and siting criteria. Accordingly, the proposed development should not be refused permission for reasons relating to the principle of developing a house on this site.

- 7.2.4. The applicants have stated that they would be willing to accept an occupancy condition and the appellants have sought same, however, should the Board be minded to grant planning permission this would not appear to be necessary, nor was it required by the planning authority. In conclusion, the principle of accommodating a house on this site is not in direct conflict with Development Plan rural housing policy, the Sustainable Rural Housing Guidelines or NPO19 of the NPF.

Residential Amenities

- 7.2.5. Section 13.4 of the Development Plan requires proposals for rural housing not to unduly affect other properties in the area via overlooking, overshadowing or other means. While the grounds of appeal refer to undue impacts on the residential amenities of the appellants' property directly opposite the site, I am satisfied that given the separation distance from this nearest neighbouring house (c.120m), including the proposed provision of semi-mature roadside boundary planting, undue impacts on the residential amenities of neighbouring properties would not reasonably arise.

Visual Amenities

- 7.2.6. The grounds of appeal assert that the proposed development would impact on the visual amenities of the rural area, including the setting of an archaeological monument situated on rising ground to the rear of the site. When considering proposals for rural housing, section 13.4 of the Development Plan requires the consideration of the landscape sensitivity of an area, the obtrusiveness or otherwise of a development and the need for the appropriate siting, design and scale of development. The appeal site is located in a 'normal rural landscape' based on Development Plan maps, which are areas that have the capacity to absorb a wide range of new development forms and the subject surrounding area does not have superior visual qualities. The proposed house and garage would be set into the base of a drumlin, which would largely form the backdrop for the development where visible from the immediate area. A 50m stretch of existing hedgerow would be required to be removed to facilitate sight visibility splays at the proposed vehicular access, however, this would be replaced by a line of semi-mature native deciduous tree species supplementing by a post and timber fence. Primarily as a result of the undulating topography, the subject site is not visible from the closest scenic routes

(61 and 65) identified in the Development Plan, which are over 2km to the south of the site. The applicants' response to a request for further information resulted in the proposed house being repositioned further to the northeast on site and the proposed finished-floor level for the house was reduced by 2.3m. A design statement to address the rural housing design principles and a tree survey report outlining the extent of tree cover on site, as well as trees to be maintained as part of the proposals, were submitted as part of the applicants' further information response. I am satisfied that the layout, design and siting of the proposed development, which are of modest scale and of similar scale and design to those within the neighbouring countryside, would generally accord with rural building principles and the proposed development would not have an undue impact on the visual amenities of the area.

Access

- 7.2.7. Visibility at the proposed entrance to the site onto a reasonably straight, narrow and level stretch of local road is identified by the applicants as being at least 90m in both directions, which the roads engineers of the planning authority have not objected to, and which would appear reasonable given the design speed standards contained in the Development Plan (Table 13.B). As part of this application, the applicants have not proposed an alternative access to serve the maturing commercial forestry on the surrounding subject landholding, and I am satisfied that this matter does not require addressing as part of the subject proposals.
- 7.2.8. In conclusion, I am satisfied that the proposed development would be in accordance with rural housing policy and it would not interfere unduly with the residential or visual amenities of the area, nor would it result in traffic hazard. In relation to land ownership issues raised by the appellants at application stage, Section 34(13) of the Planning and Development Act 2000, as amended, states that 'a person shall not be entitled solely by reason of permission under this section to carry out any development' and I note that the applicants have submitted land registry details with the application, as evidence that they own the appeal site.

7.3. Flood Risk

- 7.3.1. There is an open drain situated along the northeast side boundary of the site, draining northwest into the Unshin River. A drainage channel is also situated along

the roadside boundary feeding into this land drain and there is another land drain on the opposite side of the local road fronting the site. This roadside drain appears to be of relatively recent excavation and is not identified on the applicants' site layout plan (drawing no.01 Sep' 2020). The grounds of appeal refer to evidence of flooding dating from 2020 in the immediate area of the appeal site, including along the land drain adjoining the site and along the public road. The appellants state that this relates to heavy rainfall events and the planning authority states that the Office of Public Works (OPW) has not identified any flood events in this location. A flood risk assessment was not submitted as part of the planning application. Maps for this area do not identify the site as being at risk of flooding (www.floodinfo.ie), although downstream flood risk areas have been identified along the Unshin River, approximately 2.5km to the northwest of the site. The environment section of the planning authority referred matters relating to flood risk to their area engineer, however, the area engineer did not comment on flood risk. The planning authority report asserts that flood risk is not an issue, as there is no evidence of the subject lands being prone to flooding. I note the evidence submitted with the grounds of appeal, which appear to show high levels of surface water in a drain running along the opposite side of the road to the subject site.

- 7.3.2. Based on the information available, the site is located in Flood Zone C, where the probability of pluvial and fluvial flooding from storm water and rivers is low (i.e. less than 0.1% annual exceedance of probability or 1 in 1,000). While residential development is classified as a 'highly-vulnerable development', it is considered 'appropriate' in Flood Zone C under the matrix set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (OPW, 2009). A hardstanding area surrounding the garage that would require groundworks is proposed adjoining the land drain boundary. Surface water from the roofs of the garage and house would be channelled into gulleys and directed into a soak pit, thereby reducing runoff rates, with scope to also cater for surface water from the hardstanding areas, given the extensive areas of soft landscaping that would remain on site. Taking into consideration the precautionary approach advocated in the Flood Risk Guidelines, evidence of flooding on site has not been provided or is not available, and based on the extent of works proposed, I am satisfied that the proposed development would not be likely to be at significant risk from flooding, nor

would it increase the likelihood of flooding to other lands in the area. Accordingly, permission for the proposed development should not be refused for this reason.

7.4. Wastewater Management and Treatment

- 7.4.1. The site layout plan (drawing no.01 - sept 2020) identifies that the proposed house would be a minimum of 23.5m from the land drain on the northeast side boundary, while the garage would be a minimum of 7.4m from this drain. The current Water Framework Directive (WFD) risk classification for the water quality in the land drain bounding the site is assigned as 'not at risk' and with a 'good' status (ref. IE_WE_35U010200). Stormwater from all hardsurfaced and roof areas would be directed to a soakpit in the front garden area. The proposed development would involve the provision of a hardstanding area adjacent to the boundary with the land drain and the existing hedgerow along the boundary would be maintained. While accepting that the proposed works to facilitate and construct the hardstanding would be relatively minor, to address the proximity of these works to the land drain, a condition should be attached in the event of a permission, omitting the hardstanding area on the northeast side of the garage from the development.
- 7.4.2. The Site Characterisation Form submitted with the planning application notes that the site is located on a regionally-important aquifer, where groundwater vulnerability is low. In such areas the use of an on-site wastewater treatment system to serve a house would be 'acceptable subject to normal good practice' based on the 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (population equivalent ≤ 10) (EPA, 2009)'. The applicants' form refers to a drainage ditch along the site boundary, as well as groundwater flowing in a northeast direction. Bedrock was not encountered in the 2.1m-deep trial hole consisting of layers of clay and silt/clay, while the water table was noted at a depth of 1m.
- 7.4.3. Percolation tests undertaken for the proposed development revealed an average T-value of 236. The EPA Code of Practice states that where the T-value is greater than 90, the site is not suitable for a wastewater treatment system providing for a direct discharge of effluent to groundwater. The applicants state that the high T-value was as a result of the tests taking place following a period of prolonged wet weather. The depth of the water table coupled with the high T-value would indicate a reasonable permeability of the soils. Consequent to the elevated T-value, a P-test

was undertaken for the upper silt/clay layer and this provided a P-value of 43, which indicates that the site is suitable for a secondary treatment system with polishing filter at ground surface or overground. Based on my visit and information available I am satisfied that there is not substantive information to the contrary that would contradict these results. Details submitted clarify that a proprietary effluent treatment system (mechanical aeration unit) would be installed with an associated pressurised soil-polishing filter. Following a request from the environment section of the planning authority, further information was provided by the applicants in relation to the proposed system, including details for the fitting and maintenance of the proposed system and a detailed cross-section of the raised soil-polishing filter relative to the surveyed and tested ground and soil conditions.

- 7.4.4. The response from Irish Water refers to the existing public water mains being located 750m from the site and in response to this the applicants revised their proposals to propose use of a bored well water supply. While this well would be constructed on ground to the north and approximately 3m below the percolation area, given the separation distance of 65m, the stated groundwater flows on site in a northeast direction, the surveyed soil conditions and the requirements set out in table B.3 of the EPA Code of Practice, the proposed site layout plan (drawing no.01 Sep' 2020) reveals that the system would comply with the EPA Code of Practice minimum separation distances to features of interest, including the drain on the northeast boundary and along the roadside. Based on a population equivalent of six persons and a consequential loading rate of 900 litres per day, a soil polishing filter of 180sq.m in area is proposed and this would accord with the minimum requirements set out within Table 10.1 of the Code of Practice. There is not a high density of developments in the surrounding area that would be served by on-site wastewater treatment systems and I am satisfied that the system proposed would be appropriate for the proposed development and the site. The environment section of the planning authority require the attachment of various conditions primarily providing for the efficacy and performance of the proposed wastewater treatment system to be maintained and these would appear reasonable.
- 7.4.5. I am satisfied that the site characterisation assessment complies with the requirements within the 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (population equivalent ≤ 10) (EPA, 2009)' and the

proposed development design details would also be appropriate for the site. In conclusion, the wastewater element arising from the proposed development would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area. Permission should not be refused for reasons relating to wastewater management and treatment.

7.5. Archaeology

- 7.5.1. There is a recorded monument relating to a ringfort or a rath located approximately 80m to the west of the site boundary within the applicants' landholding and based on mapping provided by the Department of Culture, Heritage and the Gaeltacht (archaeology.ie), this is stated to be scheduled for inclusion in the next revision of the record of monuments and places (sites and monuments record ref. SL034-053). The Department of Culture, Heritage and the Gaeltacht was not consulted in relation to the application. The site is outside the zone of influence of the recorded monument based on mapping available from the National Monuments Service and I am satisfied that conditions with respect to archaeological monitoring and testing would not be warranted in these circumstances.

7.6. Appropriate Assessment

Stage 1 - Screening

- 7.6.1. The site location is described in section 1 of this report above. A description of the proposed development is provided in section 2 of this report and expanded upon below where relevant. Neither a screening report for appropriate assessment nor a Natura Impact Statement were submitted with the application. As stated above, consultation was not undertaken with the Department of Culture, Heritage and the Gaeltacht.
- 7.6.2. The site and immediately adjoining lands are dominated by commercial forestry of limited ecological value. An open drain flowing northwest along the northeast side boundary to the site is a tributary of the Unshin River, and is identified as having a good ecological status in the River Basin Management Plan.

Description of European Sites

- 7.6.3. The nearest European sites to the appeal site are listed in table 1 of section 5.3 above.

Is the Project necessary to the Management of European sites?

- 7.6.4. The project is not necessary to the management of a European site.

Direct, Indirect or Secondary Impacts

- 7.6.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works, which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality during the construction phase, for example via release of suspended solids or hydrocarbons;
- impacts on water quality during the operation phase, for example via release of pollutants from wastewaters arising.

- 7.6.6. Using the source-pathway-receptor model, there is connectivity via the land drain on the northeastern boundary of the appeal site to Unshin River SAC, Ballysadare Bay SPA and Ballysadare Bay SAC. The Unshin River SAC is designated for its freshwater habitats, including those that support otter and salmon, while Ballysadare Bay SPA and Ballysadare Bay SAC comprise intertidal and coastal habitats that support a range of migratory and water birds, as well as water-dependent species, such as harbour seal. Ballysadare Bay SPA and Ballysadare Bay SAC and all other European sites, including those referenced in table 1, are initially screened out from this assessment, based on the conservation objectives for the sites, the separation distance from the appeal site to these European sites, the location of European sites upstream of the appeal site and the dilution effect of intervening waters to European sites that are downstream.

- 7.6.7. Having regard to the direct downstream connectivity between the appeal site and the Unshin River, there is potential for interdependence and interconnectivity between works being proposed at the appeal site and the receiving waters of the SAC, which are approximately 1.3km to the north of the appeal site. The following conservation objective is set for the Unshin River SAC.

Table 2. Conservation Objective for the Unshin River SAC (Site Code: 001898)

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected	
Code	Description
3260	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites – priority habitat)
6410	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)
1106	Salmon
1355	Otter

Water Quality – Construction Phase

- 7.6.8. The development is of relatively modest nature and scale and would not feature construction works within or interfering with the land drain connecting with the Unshin River SAC. Accordingly, during the construction phase the development would not pose an unacceptable risk to the ecological status of the surface waters within the Unshin River SAC.

Water Quality – Operation Phase

- 7.6.9. As outlined in section 7.4 above, the wastewater element arising from the operational stage of the proposed development would not be likely to cause a deterioration in the quality of waters in the area.

In-Combination Effects

- 7.6.10. I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

Appropriate Assessment Screening Conclusion

- 7.6.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Unshin River SAC (Site Code: 001898), or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.
- 7.6.12. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.0 Recommendation

- 8.1. I recommend permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development and the location of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be at risk of flooding and would not increase the risk of flooding to other lands, would not result in the deterioration of receiving surface water quality, would not be prejudicial to public health and would be in accordance with the provisions of the Sligo County Development Plan 2017-2023. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of September 2020,

except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) the hardstanding area on the northeast side of the garage shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and to protect water quality.

3. Details of the materials, colours and textures of all the alterations to the external finishes to the house and garage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. The water supply to serve the house shall have sufficient yield to serve the development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the house.

Reason: To ensure that adequate water is provided to serve the proposed house, in the interest of public health.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

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- .6. (a) The site shall be landscaped with indigenous deciduous trees and hedging species within the first planting season following the completion of the development in accordance with the landscaping plan submitted to the planning authority on the 4th day of September 2020.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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- .7. (a) The front boundary shall consist of random rubble walls, constructed from natural local stone, or indigenous hedging, the exact height and location of which shall be agreed in writing with the planning authority prior to the commencement of the development.

(b) The entrance gates to the house shall be set back not less than 2.5 metres inside the new roadside boundary wall/hedge and not more than 6 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

(c) The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.

(d) The gradient of the access driveway shall not exceed 3% for the first seven metres adjacent to the carriageway of the public road.

Reason: In the interests of traffic safety and visual amenity.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 4th day of September 2020, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)' – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with

the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA Code of Practice.

Reason: In the interest of public health.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

17th May 2021