



An
Bord
Pleanála

Inspector's Report 309144-21

Development	2-storey extension to a single-storey domestic dwelling, domestic outbuilding, upgrading of existing access laneway and wastewater treatment facility.
Location	Erriff, Glenade, C. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	19/189
Applicant(s)	Donagh Quigley & Gemma McGowan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Donagh Quigley & Gemma McGowan
Observer(s)	None
Date of Site Inspection	5 th May 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.03 ha and is located at Erriff, Glenade, Co. Leitrim. The site is situated in a rural area and is accessed via an existing agricultural entrance on the northern side of the R280 Regional Road which extends between Manorhamilton to the south-east and Glenade and Kinlough to the north. The neighbouring lands along the R280 are characterised by sporadic rural dwellings, agricultural lands and upland areas. The site is elevated above the R280 and offers panoramic views of Glenade Lough to the south-east and neighbouring mountain ranges to the north-east and south-west.
- 1.2. Access to the site is via a local road which extends in a north-east/easterly direction from the R280 for approx. 653 m to the site boundary. This road is substandard and is comprised of compacted stone. No vehicular access currently exists within the site. The site boundaries are generally characterised by post and wire fencing.
- 1.3. The site slopes in a north-easterly/south-westerly direction away from its boundary with the local access road. The site is uneven underfoot throughout and is characterised by marshy conditions and vegetation. A small stream extends in a north-east/westerly direction adjacent to the northern site boundary. A single-storey cottage is located towards the rear of the site and was noted to be vacant and in a poor state of repair at the time of the inspection.

2.0 Proposed Development

- 2.1. The proposed development comprises: (1) a 2-storey domestic extension to an existing single storey domestic dwelling; (2) a domestic outbuilding; (3) upgrading of the existing access laneway; (4) upgrading of the existing wastewater treatment facility to an onsite wastewater treatment facility which complies with the current EPA Code of Practice and all ancillary works.
- 2.2. The proposed extension has a distinctive curved building footprint, with the front elevation of the extended dwelling generally orientated in a northerly direction. A working courtyard is proposed to the front, which will accommodate the proposed single-storey outbuilding and a car parking area. The wastewater treatment system

is proposed at a set-back of approx. 18.8 m from the front elevation of the extended dwelling in the central/southern portion of the site.

- 2.3. The extended dwelling will accommodate an open plan kitchen/living room, a guest bedroom, a home treatment/study room, a bathroom and shower room at ground floor level and 2 no. bedrooms, a home treatment/study room, 2 bathrooms and a lounge area at 1st floor level. A sunken garden with a pond is proposed to the rear.
- 2.4. A recessed vehicular entrance is proposed within the roadside boundary in the north-eastern corner of the site, with the driveway generally curving in a north-easterly/westerly direction adjacent to the northern site boundary and connecting to the proposed car parking area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 8th December 2020 for 1 no. reason as follows:

“The proposed development would result in the intensification of use of an existing access point onto the Regional Road R280 at points where the sight distance is seriously deficient. Having regard to the restricted sight distances, it is considered that the proposed development would seriously interfere with the safety and free flow of traffic on the Regional Road and would therefore endanger public safety by reason of traffic hazard”.

3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (5th November 2019 and 27th November 2020)**
- 3.2.2. In assessing the proposed development, Leitrim County Council’s Planning Officer initially considered that Further Information was required in relation to the following items:
 - (1) Whether permission is sought to extend the existing dwelling or construct a replacement dwelling.
 - (2) Revised plans and drawings in a simplified 2-D format.

- (3) Clarification of the intended use of the 2 no. proposed treatment rooms.
- (4) Details of works required to achieve sightlines at the junction with the R280.
- (5) Evidence of entitlement to carry out works to achieve sightlines.
- (6) Details of all works to gain access to the site from the access lane.
- (7) Full details of proposed upgrading work to the existing access laneway, including evidence of entitlement to undertake same.
- (8) Revised details of the proposed wastewater treatment system based on a potential occupancy of 8 no. persons and details of the location of the existing septic tank.
- (9) Plans and details of the proposed stormwater treatment and disposal provisions for the site, including water emanating from the access lane.
- (10) A revised NIS.
- (11) A response to the submission of Inland Fisheries Ireland.

3.2.3. A response to the Request for Further Information was submitted on 14th September 2020, which can be summarised as follows:

Item Nos. 1 - 2: Clarification provided that planning permission is sought for an extension to the existing house, with revised drawings provided.

Item No. 3: Proposed treatment rooms for applicants' use only.

Item Nos. 4 - 5: Notes that the access lane is under the control of Leitrim County Council, and as such, upgrading works are not the applicants' responsibility. It is submitted that the R280 is infrequently trafficked and that an operational speed of 30-40 km/hr is acceptable for the calculation of reduced sightlines of 23 – 33 m. It is further submitted that minimum sightlines of 49 m are available in a north-westerly direction and 57 m in a north-easterly direction.

Item No. 6: A gravel driveway is proposed with stonework from a local quarry.

Item No. 7. Reiterates that the laneway is a public road under the ownership of Leitrim County Council.

Item No. 8: Revised Site Characterisation Form submitted. Details of proposed stormwater management provided, including 3 no. 3m x 3 m x 1.5 m deep soak pits

spread across the top, middle and bottom of the site. Attenuation will also be provided by the proposed green roof.

Item Nos. 9 - 10: A NIS was provided which was deemed to address the matters raised by Inland Fisheries Ireland.

3.2.4. The applicants' response to the Request for Further Information was deemed to be significant by the Planning Authority. Following the assessment of this information, the Planning Officer considered that the availability of adequate sightlines at the junction with the R280 had not been adequately resolved and recommended that planning permission be refused for the proposed development based on traffic hazard.

3.2.5. **Other Technical Reports**

3.2.6. **District Engineer (18th November 2020):** Notes that the development has direct access onto a local tertiary road (LT61012-0), the pavement condition of which is very poor, with the road being in an abandoned state and gated. Further notes that there are no residential developments along this road, only forestry and mountain, and that the road has / will not be maintained by Leitrim County Council, with the existing stone surface provided by the ESB to access overhead power lines.

3.2.7. The sightlines at the junction of the local access road and the R280 are noted to be very poor and less than 90 m in both directions. Any development which will intensify and regularise the use of this access will have an adverse impact on road and public safety.

3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland:** Notes that the site is located less than 800 m from Glenade Lough SAC, which has been allocated poor ecological status in the River Basin Management Plan and must be restored to good ecological status to comply with the Water Framework Directive. Notes that the river catchment requires robust protection, and that Leitrim County Council must not grant planning permission unless it can ensure that the wastewater discharge from the development will not have a negative impact on groundwater or Glenade Lough.

3.3.2. Conditions are recommended in the event planning permission is granted for the proposed development.

3.4. **Third Party Observations**

- 3.4.1. A submission was received from Tina Rooney, Clifton, Athboy, Co. Meath. It is submitted that the proposed development would erode the rural character and amenities of the area, the natural habitat of wildlife and flora and fauna and would set an undesirable precedent in the area.

4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. P08/747; ABP Ref. PL12.231511:** Planning permission refused on 15th May 2009 to demolish an existing habitable dwelling and construct a replacement dwelling, including a new driveway, development of an existing entranceway and site development works (septic tank and percolation area to be installed as per planning permission P05/619).
- 4.2. Planning permission was refused for 3 no. reasons, including: (1) the location of the proposed development in an Area of Outstanding Natural Beauty and its erosion of the rural character and amenities of the area, (2) the proposed development would seriously interfere with the safety and free flow of traffic on the R280 by reason of restricted sight distances and would endanger public safety by reason of traffic hazard, and (3) the foul effluent cannot be drained satisfactorily and the proposed development would be prejudicial to public health.
- 4.3. **Planning Authority Reg. Ref. P05/619:** Planning permission granted on 14th December 2005 to refurbish and extend the existing dwelling house, install a septic tank with proprietary effluent treatment system and percolation area and carry out ancillary site works.
- 4.4. **Planning Authority Reg. Ref. P04/1617:** Planning permission refused on 13th May 2005 to demolish the existing structure, construct a new dwelling house, to install a septic tank, proprietary effluent treatment system and percolation areas and ancillary site works.
- 4.5. No further details of the refusal reasons are available from the Local Authority.

5.0 Policy and Context

5.1. National Planning Framework (NPF)

5.1.1. In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

5.1.2. **National Objective 19:** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.2.1. The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

5.2.2. Development Plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

5.3. **Leitrim County Development Plan 2015-2021**

5.4. **Landscape**

5.4.1. The subject site is located in an Area of Outstanding Natural Beauty as illustrated on map 4.12 of the development plan.

5.4.2. **Policy 100:** It is the policy of the Council to permit development in an Area of Outstanding Natural Beauty where the applicant can satisfy the planning authority that it is not practicable to develop in a less-sensitive location and where it is demonstrated that the development will not impinge in any significant way on the character, integrity or uniformity of the landscape.

5.5. **Renewal of Rural Areas**

5.5.1. Leitrim is classified as a Structurally Weak Rural Area with reference to the NSS classification of rural areas. In this context, the Council will be favourably disposed towards granting planning permission for those wishing to live in the County subject to compliance with the policies, objectives and development standards of the plan.

5.6. **Land Use Strategy for Rural Housing**

5.6.1. The repopulation of rural areas of County Leitrim through, amongst other measures, the building of one-off rural houses and the restoration of derelict rural houses, is a primary objective of the County Development Plan.

5.6.2. The subject site is located in a “Medium Capacity/ Medium Availability Area” in terms of its suitability to accommodate rural housing, which includes areas of high environmental sensitivity. There is a need to protect the integrity of these designated areas and to ensure that their capacity to serve the residential need of the local community is not compromised.

5.6.3. **Policy 16:** It is the policy of the Council to consider one-off housing acceptable within areas of “Medium Capacity/Medium Availability” subject to normal planning requirements and where applicants demonstrate compliance with the following requirements: (1) They are currently living and/or working in the area; or (2) They are working within reasonable commuting distance there from and wish to use the

proposed development as their permanent place of residence and where there is evidence that there will be a net community gain arising from the proposed development;

or

(3) They are originally native to the area and wish to return to the area for family or social reasons and wish to live there as their permanent place of residence; or (4) They would propose to live full time in that area of the County, and they would make an economic and social contribution towards the development of that local area.

5.6.4. Other developments considered acceptable in Medium Capacity Areas include:

(1) the conversion, adaptation, re use and extension of existing rural dwellings and other structures capable of being adapted to residential use.

(2) The replacement of existing dwellings on the same site. Where it is proposed to replace an existing dwelling on the same site, the Planning Authority will have regard to the soil conditions on the site and its suitability to accommodate effluent treatment systems to appropriate standards to service the proposed development.

5.7. **Rural Housing - Development Management Standards**

5.7.1. Outside the built-up area of towns and villages, development proposals will be assessed according to: (1) the likely impact on the environment, (2) the visual impact on the landscape, (3) heritage criteria, (4) traffic safety, (5) the social, community or economic gain accruing to the local community, (6) whether the housing demand is urban or rural generated, and (7) the location of the proposed dwelling in relation to the rural capacity areas.

5.7.2. An important consideration in the assessment of development in rural areas will be design, particularly the appropriateness of the design with regard to the character of the area and whether the development can be absorbed into the landscape. Guidance is provided in the Leitrim County Council Design Guide.

5.8. **Access to Public Roads**

5.8.1. Generally direct access, or the generation of increased traffic, onto national roads and the R280 will not be permitted outside the areas where the 50/60 km per hour speed limit applies. Only in exceptional circumstances and where alternative access cannot be achieved, will new developments be granted permission when required, to

be serviced by means of direct access onto a National Road or the R280. Such circumstances include the provision of a new house where the existing house which currently accesses the national road is substandard and in need of replacement and no other access is possible.

- 5.8.2. All developments providing for access onto public roads must show that the access proposed will not create a traffic hazard nor interfere with the free-flow of traffic along such roads. Table 26 of the plan identifies that a sightline requirement of 215 m arises on the R280 in the 80 km zone. A relaxation of these sight distance requirements may be considered satisfactory in exceptional circumstances where it can be clearly demonstrated that no other suitable alternative proposal is available and where the proposal would be in accordance with the provisions as set out in the NRA Design Manual for Roads and Bridges - NRA TD 41-42/11 or the Design Manual for Urban Roads and Street, as appropriate.

5.9. **Natural Heritage Designations**

- 5.9.1. The Sligo/Leitrim Uplands SPA extends to the north-east and south-west of the subject site, with separation distances of between approx. 285 m and 1.2 km arising respectively. The site is also located approx. 213 m to the north-west and 298 m to the south-west of Aroo Mountain SAC, approx. 607 m north-east of Glenade Lough SAC, 2 km north-west of Lough Gill SAC and approx. 1.2 km to the north-east of Ben Bulbin, Gleniff and Glenade Complex SAC.

5.10. **EIA Screening**

- 5.10.1. Having regard to the nature and scale of the proposed development, comprising an extension to an existing residential dwelling and associated works, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. A first-party appeal has been lodged by Davitt Plan & Design on behalf of the applicants, the grounds of which can be summarised as follows:

- The planning history for the site demonstrates that the demolition and replacement of the existing dwelling is not supported by the Planning Authority, with the extension and refurbishment of older buildings considered the more sustainable option.
- The applicants intend to make the dwelling their permanent place of residence and to renovate and extend it to provide a modern, comfortable, family home which is fit for purpose.
- The site is located in a visually sensitive location and the choice of materials, shape and form of the proposed building ensure that the proposed development will have a minimal visual impact.
- The design of the extension conforms to the principles set down in the current development plan and has been sensitively designed, in consultation with the Planning Authority, to blend into the site and its contours, with a strong emphasis on reuse and sustainable design.
- The existing on-site treatment system will be upgraded to comply with the EPA Code of Practice and the county development plan.
- The Environmental Screening Report concludes that the proposed development would not have an impact on any Natura 2000 sites.
- The refusing of permission on the basis of traffic safety does not consider that the existing habitable dwelling is regularly used by the applicants and which could be extended by 40 m² under exempted development legislation. As such, there is no justification regarding the intensification of usage on the roadway.
- The Leitrim County Development plan encourages the renovation and extension of existing buildings within the rural environment.

- The existing county road is a public road which is under the governance of Leitrim County Council. The road is in poor condition and Leitrim County Council has a duty of care to maintain, upgrade and manage the quality of the road.
- If the existing access onto the R280 has seriously deficient sightlines, then the County Council has a duty of care to address such a public hazard. A private home-owner is not in a position to resolve this problem.
- The applicants should not have been refused permission for an extension to their home on the grounds that Leitrim County Council has not been maintaining and improving the public road, pavements and junctions in the locality.

6.2. Planning Authority Response

6.2.1. A response was received from the Planning Authority on 15th February 2021, which can be summarised as follows:

- The addition of a 40 m² extension to the existing dwelling as exempted development would result in a total floor area of 85 m², which is a limited habitable use.
- The Planning Authority considers there is a significant difference between an 85 m² development and the proposed development of 273 m² in terms of the intensification of use of the property and road.
- The property does not appear to be occupied on a permanent basis, with no noticeable vehicular track to the dwelling.
- Leitrim County Council has a duty of care to the daily users of the R280, by not permitting development at a location where traffic hazard is an issue.
- The Planning Authority refutes that the applicants are being discriminated unfairly on the grounds of maintaining and improving the public road by Leitrim County Council. The wider common good must take precedence over individual development in this case.

- The Planning Authority recommends that the Board uphold the decision to refuse planning permission in the interest of public safety by reason of traffic hazard.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. In my opinion, the key issues for consideration in this case include:

- Principle of the Proposed Development
- Visual Impact of the Proposed Development
- Site Access
- Wastewater Treatment
- Appropriate Assessment

7.2. Each of these issues is considered in turn below.

7.3. Principle of the Proposed Development

7.3.1. Planning permission is sought for an extension of 228.63 m² to the existing cottage on the site, which has a stated floor area of 45.36 m². It is proposed to increase the ridge height and extend the footprint of the existing structure (Drawing No. 4: Section A-A refers), and as such, I consider that the proposed development would be more accurately described as the reuse or replacement of the existing dwelling, notwithstanding the applicants' clarification in this regard (response to Item No. 1 of the Request for Further Information refers).

7.3.2. Policy 16 of the development plan confirms that one-off housing is acceptable in "Medium Capacity/Medium Availability Areas", subject to normal planning requirements and where applicants can demonstrate a link to the local area. I note that no information has been provided by the applicants in relation to this matter. However, the development plan confirms that the reuse of existing rural dwellings and the replacement of existing dwellings on the same site is also acceptable.

7.3.3. Thus, having regard to the designation of County Leitrim as a Structurally Weak Rural Area, and that planning permission is sought to reuse/extend the existing cottage, I consider that the proposed development is acceptable in principle, subject to its compliance with all other development plan policies and standards.

7.4. Visual Impact of the Proposed Development

7.4.1. The site is located in an Area of Outstanding Natural Beauty. Policy 100 of the development plan confirms that the Council will permit development in such areas where the applicant can demonstrate that it is not practicable to develop in a less-sensitive location and the development will not impinge on the character, integrity or uniformity of the landscape.

7.4.2. While I acknowledge that the subject site is elevated above the R280 Regional Road to the south, I note that it already accommodates an existing cottage, albeit modest in scale. In considering the visual impact of the development, I note that a range of natural materials are proposed, including natural stone and oak to the elevations and turf to the roof to attenuate rainwater. The rear elevation is orientated towards the R280 and includes large glazing panels, which in my opinion, will serve to reduce the bulk of the building in distant views of the site.

7.4.3. I further note that the contours of the site and of the surrounding land increase in a northerly direction away from the regional road, and as such, I consider that the proposed development will sit within the landscape rather than being an unduly prominent feature. Thus, in my opinion, the proposed development would have no significant negative impact on the character, integrity or uniformity of the landscape at this location.

7.5. Site Access

7.5.1. Leitrim County Council refused planning permission for the proposed development based on the restricted sightlines at the site entrance onto the R280 Regional Road, which were considered seriously deficient and would endanger public safety by reason of traffic hazard. The District Engineer's report confirms that the Local Authority has not maintained the local access road to the site, and will not be doing so in future, with the existing stone surface put in place by the ESB to access overhead power lines.

- 7.5.2. The applicants' agent submits that this refusal reason does not consider that the existing habitable dwelling is regularly used by the applicants, and as such, there is no justification regarding the intensification of use of the roadway. It is also submitted that the local road is a public road which is under the governance of Leitrim County Council, with the Council having a duty of care to maintain and upgrade its quality and address the deficient sightlines at the site entrance.
- 7.5.3. In responding to the grounds of appeal, Leitrim County Council refutes that the applicants are being unfairly discriminated on the grounds of maintaining and improving the public road. The Planning Authority submits that the wider common good must take precedence over individual development in this case, with the Authority having a duty of care to prevent a traffic hazard to users of the R280.
- 7.5.4. In considering the issue at hand, I note that the site access at the junction with the R280 slopes downwards from the main road, resulting in limited visibility in either direction at the roadside boundary when exiting onto the regional road. Thereafter, the local access road extends approx. 653 m as far as the subject site and is substandard and uneven along its length.
- 7.5.5. While the appellants' agent submits that the existing dwelling is regularly used and that no intensification of use of the roadway will occur on foot of the proposed development, I disagree with this position. In my opinion, the existing dwelling is not of habitable condition. I also note that no vehicular access or driveway is currently provided within the site, nor does any such access or driveway appear to have been in use in the recent past. The Planning Officer's Report of 5th November 2019 states that the dwelling was last used in 1995. It has been confirmed that the applicants intend to make the house their permanent place of residence, and as such, I consider that an intensification of use of the existing access road would clearly arise on foot of the proposed development, given the daily traffic movements which would occur.
- 7.5.6. In addition, I note that An Bord Pleanála previously refused planning permission to construct a replacement dwelling on the subject site for 3 no. reasons, including the deficient sightlines at the junction with the R280 (Planning Authority Reg. Ref. P08/747; ABP Ref. PL12.231511 refers). This planning history has not been addressed in the current planning application.

7.5.7. Having regard to the foregoing, I consider that planning permission should be refused for the proposed development based on the inadequate sightlines at the junction of the site access and the R280 regional road and the potential for the development to result in a traffic hazard given the increased traffic movements which would arise on foot of the proposed development.

7.6. Wastewater Treatment

- 7.6.1. The relevant standard for domestic wastewater treatment is the EPA Code of Practice (CoP): Wastewater Treatment and Disposal Systems Serving Single Houses (2009). For the avoidance of doubt, I note that the 2009 CoP remains the relevant standard for planning applications lodged before 7th June 2021, after which the 2021 Code of Practice will apply.
- 7.6.2. The applicants' Further Information Response included a revised Site Characterisation Form, based on a total of 6 no. bedrooms and a maximum occupancy of 8 no. residents. The underlying aquifer is recorded as locally important, with the groundwater having low vulnerability. The trial hole results record a depth of 2.25 m from ground to the water table, with the soil characterised as brown silt peat between 0 – 150 mm, dark brown peat between 150 - 1750 mm and cobbles/gravel between 1750 mm - 2.4 m.
- 7.6.3. The Site Characterisation Form confirms that the T and P tests failed at pre-soaking stage. It is recommended that the following site improvements works be undertaken to ensure the efficient treatment of wastewater, including the installation of: (1) a wastewater treatment system certified in accordance with EN 12566-3 with a final effluent pump, (2) 3 no. Puraflo modules for use as a packaged tertiary treatment system, (3) a 300 m deep gravel distribution area beneath the packaged tertiary treatment system, extending over an area of 90 m², and (4) the installation of a 300 m² willow bed area. A French drain is also to be constructed around the distribution area to provide a hydraulic outlet from the willow bed area to a land drain. I note that the land drain is not identified on the site plan submitted with the planning application or the applicants' Further Information submission. The existing septic tank on the site is to be decommissioned.

- 7.6.4. In my opinion, the results of this assessment confirm that the site is fundamentally unsuitable to facilitate the efficient and sustainable treatment of wastewater, and as such, is reliant on a heavily engineered system which will require ongoing maintenance. If this system is not suitably maintained, the inefficient treatment of wastewater on the site may arise, with the potential for impacts on Natura 2000 sites as discussed further in section 7.8 of this report.
- 7.6.5. I note that the Board previously refused planning permission for a replacement dwelling on the site for 3 no. reasons, including the consideration that the foul effluent that would be generated by the proposed development could not be drained satisfactorily, notwithstanding the proposed use of a proprietary wastewater treatment system and constructed polishing filter. Based on my own observations of the site, I agree that the ground conditions are unsuitable to ensure the efficient treatment of wastewater and I consider that planning permission should be refused on this basis.

7.7. **Appropriate Assessment Screening**

- 7.7.1. The subject site is not located within or directly adjacent to any Natura 2000 site. Thus, there is no potential for **direct impacts** on any such site to arise.
- 7.7.2. A small stream (EPA code 35_1160) extends adjacent to the north-western site boundary and flows in a south-westerly/southern direction for approx. 1.6 km where it flows into Glenade Lough SAC (site code: 001919), which is hydrologically connected to Lough Gill SAC (site code: 001976). The surface-water connection between the site and Glenade Lough SAC and Lough Gill SAC provides a pathway through which water-borne pollutants could reach aquatic habitats and fauna. The construction activities arising on foot of the proposed development also have the potential to result in disturbance impacts on protected species within the Sligo/Leitrim Uplands SPA (site code: 004187). Therefore, the carrying out of an Appropriate Assessment of the proposed development is necessary.
- 7.7.3. Having regard to the separation distances and absence of hydrological connections to Aroo Mountain SAC and Ben Bulbin, Gleniff and Glenade Complex SAC, I consider that there is no potential for likely significant impacts to arise, and therefore an Appropriate Assessment is not required in relation to same. I am also satisfied

that no additional sites need to be considered for the purposes of Appropriate Assessment.

7.8. Appropriate Assessment

- 7.8.1. The conservation objective for Sligo/Leitrim Uplands SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. The qualifying interests include: (1) Peregrine - *Falco peregrinus* [A103] and (2) Chough - *Pyrrhocorax pyrrhocorax* [A346].
- 7.8.2. The proposed development has the potential to result in **indirect impacts** on these qualifying interests through disturbance impacts arising in the construction phase of the proposed development and through the loss of breeding/foraging terrain. However, the habitat within the subject site is not suitable for choughs for breeding or foraging, while peregrine are highly mobile aerial predators which primarily hunt and kill their prey on the wing. They also nest in crags and cliffs, neither of which occur within the subject site.
- 7.8.3. As such, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Sligo/Leitrim Uplands SPA (site code 004187) in view of the site's Conservation Objectives.
- 7.8.4. The conservation objective for Glenade Lough SAC is 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. The qualifying interests include: (1) Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150], (2) White-clawed Crayfish - *Austropotamobius pallipes* [1092], and (3) Slender Naiad - *Najas flexilis* [1833].
- 7.8.5. The conservation objective for Lough Gill SAC is 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. The qualifying interests include: (1) natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150], (2) Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco Brometalia*) (* important orchid sites)* [6210], (3) Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0], (4) Alluvial forests with

Alnus glutinosa and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*)* [91E0], (5) White-clawed Crayfish - *Austropotamobius pallipes* [1092], (6) Sea Lamprey - *Petromyzon marinus* [1095], (7) Brook Lamprey - *Lampetra planeri* [1096], (8) River Lamprey - *Lampetra fluviatilis*, (9) Salmon - *Salmo salar* [1106], and (10) Otter - *Lutra lutra* (1355).

7.8.6. The surface water connection between the site and Glenade Lough SAC and Lough Gill SAC has the potential for **indirect impacts** on these protected sites through sedimentation and pollution run-off associated with the proposed development. As such, appropriate mitigation measures are required to avoid or reduce the impacts of potential pollution incidents.

7.8.7. A number of mitigation measures are identified in the submitted NIS, including: (1) off-site storage of oils, fuels, greases and hydraulic fluids during the construction phase, with the storage of small machinery and refuelling of large machinery to be undertaken in a bunded area on site, (2) preventing runoff from machine service and concrete mixing areas from entering ground or surface water, (3) checking of all machinery entering the site for invasive species, (4) stockpile areas for bare soils, sand and gravel will be minimised, located away from any watercourses and stored in a compound where necessary, (5) construction filter channels/silt traps to be put in place before any earth works and used where necessary, inspected daily and maintained regularly, (6) all site works to conform to best practice and to Inland Fisheries Ireland requirements for the protection of fisheries habitats during construction and development works at river sites, (7) prevention of runoff from concrete mixing areas entering surface or groundwater, (8) off-site disposal of construction and demolition waste, topsoil, subsoil, vegetation and hazardous waste associated with the project to a licensed landfill site.

7.8.8. I note that the submission from Inland Fisheries Ireland (IFI) recommended that planning permission should not be granted for the proposed development unless it could be ensured that the wastewater discharge from the development would not have a negative impact on groundwater or Glenade Lough. As previously identified, I am not satisfied that wastewater discharge from the development can be treated efficiently based on the ground conditions observed on site.

7.8.9. As such, I consider that the proposed development has the potential to impact on a Natura site, by way of the hydrological connections which exist between the site and Glenade Lough SAC and Lough Gill SAC. As such, it is recommended that planning permission be refused in this instance.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the proposed development for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

9.1. Having regard to the location of the access/egress point onto a regional road served by a continuous white line and where a speed limit of 80 km/h applies, it is considered that the proposed development would result in the material intensification of traffic movements at this access/egress point, which has insufficient sightlines onto the public road network and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.2. Having regard to the ground conditions noted on site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

9.3. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European sites Nos. 001919 and 001976 (Glenade Lough SAC and Lough Gill SAC) in view of the sites' Conservation Objectives.

Louise Treacy
Planning Inspector

11th June 2021