



An  
Bord  
Pleanála

## Inspector's Report ABP-311779-21

<b>Development</b>	Construction of a house, garage, proprietary effluent treatment system, percolation area and all associated site works.
<b>Location</b>	Carrownamaddoo, Ballintogher West, Co. Sligo.
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	21243
<b>Applicant(s)</b>	Nicola & Cian Fox.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brendan & Darragh McDonagh
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 June 2022
<b>Inspector</b>	Brid Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a rural site located within the townland of Carnamadoo circa 3.5km to the northeast of Ballysadare Co Sligo and 4.5km south of Sligo City Centre. The site lies to the north of a local road running to the east of Regional Road R284 at Drumaskibbole Crossroads (Jinks Cross). The appeal site has a stated area of .5220 hectares and lies circa 1.6km west of Aghamore Bay on Lough Gill. The site is bounded by the public roads to the south and west and to the east by a private laneway accessing and residential dwelling and agricultural lands.
- 1.2. The site is significantly elevated over road level to the south rising generally from south to north and east to west. Levels detailed on the submitted site layout plans indicate a high point of 27.75 towards the western part of the site relative to a spot level of 18.575 on the public roads adjacent to the access laneway. The lands adjoining and surrounding the site are largely used for agricultural purposes, interspersed with one-off housing primarily fronting onto the public roads with some commercial uses also including quarries . The nearest existing dwelling is directly opposite the site to the southeast.

## 2.0 Proposed Development

- 2.1. The application involves permission for a single storey dwelling and domestic garage to be served by an on-site wastewater treatments system and all associated site works and services. The proposed dwelling has a floor area of 215m<sup>2</sup> and is single storey with a maximum ridge height of 4.881. Dwelling and garage are sited towards the more elevated western part of the site with finished floor level is 26.8m OD and 26.5m OD respectively.
- 2.2. I note that the size and height of the garage was reduced in response to the request for additional information from 73sq.m / 4.8m high to 52sq.m / 4.2m high. The frontage of the site to the west of the entrance from the private laneway for a distance up to 60m and maximum setback of 4.5m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 By order dated 5<sup>th</sup> October 2021 Sligo County Council issued notification of the decision to grant permission and 8 conditions were attached which included the following of particular note:

Condition 4, Landscaping in accordance with submitted plan. Existing vegetation along roadside boundary to be retained as per revised layout plan.

Condition 5. Provisions to ensure that no surface water is diverted or allowed to flow onto the public road. No obstruction of existing roadside drainage. Detail of extent of works to be carried out to achieve adequate sightlines to be submitted for written agreement.

Condition 6. Proprietary Effluent Treatment system in accordance with EPA Code of Practice. Clarification of source and quantity of imported soil to be used for raised soil polishing filter and percolation tests results to be submitted.

Condition 8. Development Contribution €5, 384.25 in accordance with Sligo County Council Development Contribution Scheme.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Planner's initial report considers that the proposal represents a rural generated housing need. Design can be accommodated on the site visually. Clarification is required regarding trail hole assessment, set back proposals to achieve sightlines and longitudinal section demonstrating sightline. Clarification required regarding ownership and relevant consent with respect to the use of the laneway access. Use of garage to be specified. Second report following submission of additional information recommends permission subject to conditions as per subsequent decision.

### 3.2.2. Other Technical Reports

Environment Section report – Clarification required regarding site characterisation form. Date for excavation of trial hole is stated to be 2 February 2017 and date of examination 25 February 2021. Subsequent Environment Section report following further information submission indicates no objection subject to conditions.

Area Engineer - Further information required. Applicant to demonstrate the amount of land take to be setback to achieve the maximum sightlines possible at the exit onto the public road in an easterly direction. Applicant to submit a longitudinal drawing along the line of sight from a drivers eye height of 1.05m to an object with a height of 1.15m. Subsequent Area Engineer's report following further information indicates no objection. Details of works required to achieve sightlines and surface water management proposals to be agreed.

### 3.3. Prescribed Bodies

No submissions

### 3.4. Third Party Observations

3.4.1 There were three submissions objecting to the application and two submissions in support. Submissions by the following third parties

- J Lynch, Aughamore<sup>1</sup>
- Brendan McDonagh Drumiskable
- Darragh McDonagh, Carrownamaddoo.

Object on common objection which I have summarised as follows:

- Applicants already own a house and access to alternative family landholding.
- Elevated nature of the site c7m above country road and will result in negative visual impact.

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<sup>1</sup> Note subsequent submission by Thomas Rooney as outlined at 3.4.2 above indicates that there is No such person as J Lynch at the given address at Aughamore. I also note that Sligo County Council's notification of decision to grant permission to J Lynch was returned by An Post marked "unknown at this address."

- Speculative sporadic development.
- Question the accuracy of information provided. Laneway is a private roadway over which the appeal site owner does not have a right of way. Entrance to the field is from the public road.
- No consideration consultation or permission from the laneway users.
- Landowner previously signed a declaration that the land would be used for farming purposes.
- T value indicates that the retention time of subsoil is too fast to provide satisfactory treatment therefore giving rise to risk of pollution.
- Propsoal would result in traffic hazard given sightline limitations and the laneway is unsuitable.
- Proposal would result in sporadic development in a sensitive rural landscape.
- Concerns regarding future development on the site.

3.4.2 Submission from Thomas Rooney, Augamore, Near Sligo notes that a submission was received by the Council from J Lynch at Aughamore. No such person is known at this address. Submission notes that the applicants are known to Mr Rooney and supports the application

3.4.3 Cllr Rosaleen O Grady, 1 The Orchard, Kevinsfort, Sligo made representations by telephone in respect of the application.

3.4.4 Second submission by Darragh Mc Donagh, Carownamaddoo and Brendan McDonagh following further information submission maintain objection as follows:

- The private laneway is owned by the McDonagh family solely and is used for movement of machinery and livestock.
- The proposal will endanger public safety by reason of traffic hazard.
- Planning history of refusals on site not apparent on the file.

- Under the Road Act 1993 public road extends from fence to fence and includes grass verges and roadside drains. Section 62(2) of the Registration of Title. Land Registration states that boundaries as per folio , encompassing half the roadway, should not be taken as conclusive evidence of title and should not be used to support the assumption of ownership.

## 4.0 Planning History

**19/264** Application Kevin and Jacqueline Mellett and for dwelling domestic garage wastewater treatment system. Withdrawn following failure to respond to a request for additional information.

**PL08/1007** Permission granted 26/03/2009 to Enda and Barbara McCarrick for erection of dormer dwelling, effluent treatment system and associated site development and road improvement works. Permission previously granted for similar development PL05/228

**PL05/228** Permission for dwelling septic tank and percolation area.

**97/363** Outline permission for two dwellings. Withdrawn 15/1/99.

**To the east of the site.**

**17/ 296** Permission granted 26/3/18 to Darragh Mc Donagh demolish existing house and construct a replacement dwelling septic tank and percolation area and all associated development.

## 5.0 Policy Context

### 5.1 National Planning Framework, Department of Housing Planning and Local Government 2018

National Policy 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 Development Plan

## **5.2 Development Plan**

5.2.1 The Sligo County Development Plan 2017-2023 and The Sligo and Environs Development Plan 2010-2016 refer. (The Sligo and Environs Development Plan 2010–2016 covered the former Borough area of Sligo together with its urban and rural environs located outside the Borough. The Sligo and Environs Development Plan has been incorporated into the Sligo County Development Plan 2011-2017, following the abolition of Sligo Borough Council in 2014 and the establishment of a single planning authority with jurisdiction over the entire county.)

The site falls within the buffer zone around the city as identified within the Sligo and Environs Development Plan. The Objective: “Contain and consolidate the city, while safeguarding land for its future expansion and the provision of strategic infrastructure. The buffer zone is to be used principally for agriculture. New roads and buildings in the buffer zone should be constructed so as to minimise their visual and environmental impact. Within the buffer zone, the rural housing policies shall apply, subject to normal planning consideration.”

Section 7.2.5 City Fringes - Rural Housing.

P-RHOU-1 Facilitate one-off rural housing in the cases of genuine rural-generated housing need, whilst discouraging urban-generated one-off rural housing proposals.  
P-RHOU-2 Ensure that any proposals for one-off housing on zoned lands within the development limit do not adversely impact on the potential for comprehensive and co-ordinated development of surrounding lands.

P-RHOU-3 Ensure that one-off rural housing proposals do not adversely impact on the rural landscape or surrounding properties by reason of character and scale. In particular, proposals in areas which are visually and/or environmentally sensitive will be strictly controlled.

P-RHOU-4 Require that all one-off rural housing proposals comply with EPA standards and guidelines for effluent treatment, and all other development management criteria and standards.

Rural-generated housing is defined as the housing needed by: 'persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, forestry, horticulture etc.; ' persons with a vital link to the rural community in which they wish to reside, by reason of having lived in this community for a substantial period of their lives, or by the existence in this community of long established ties with immediate family members; ' persons who, for exceptional social or other circumstances, can demonstrate a genuine need to reside in a particular rural location.

Urban-generated housing Urban-generated housing can be defined as housing in rural areas sought by persons living and/or working in urban areas who do not have a vital link to the rural area in question..... Proposals for urban-generated housing development will be discouraged, in the interests of sustainable development and the preservation of the rural environment.

Within the Sligo County Development Plan 2017-2023. I note the following:

Section 3.0 sets out the Core Strategy. Strategic Settlement Policy - SP-S-4 Strengthen existing rural communities by facilitating sustainable rural settlement in accordance with the National Spatial Strategy and the Sustainable Rural Housing – Guidelines for Planning Authorities (DoEHLG, April 2005)

SPS-7. Integrate transportation and land-use planning in order to reduce the need to travel (especially by car) and reduce GHG emissions, by promoting the consolidation of development in settlements with adequate services and facilities.

Section 5.3 Housing in Rural Areas

In Rural Areas under Urban Influence, the Planning Authority will accommodate those applicants with a rural-generated housing need – which is a demonstrated,



genuine need to live in the respective rural areas – subject to normal planning considerations. In all rural areas, certain restrictions will apply in designated settlement green belts, along Scenic Routes, in Sensitive Rural Landscapes and in Visually Vulnerable Areas (for details on these designations, refer to Section 7.4 Landscape character). The main criterion for assessing application for single houses in all rural areas will be the suitability of the proposed development in the context of the broader and long-term proper planning and sustainable development of the area

P-RAUI-HOU-1 Accommodate proposals for one-off rural houses in Rural Areas Under Urban Influence, subject to normal planning considerations, including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource based employment;

C. persons who have no family lands, but who wish to build their first home for their permanent occupation in the area of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives (this provision does not apply in cases where the original family home is located in an area zoned for development in a town or a village);

D. persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community or by the existence in this community of long-established ties with immediate family members;

E. persons who are required to live in a rural area for exceptional reasons, including health reasons. Such applications must be accompanied by a specialist's report and

recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application should also be supported by a relevant disability organisation of which the applicant is a member, where applicable,

AND where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area.

Section 7.4 Landscape Character – Landscape Characterisation Map - The appeal site is designated as being within “normal rural landscape” under the landscape character assessment. Policy P-LCAP-1 Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County’s landscape character.

Section 9.3.2 Wastewater Management in Rural Areas

Chapter 13 Development Management Standards

## **5.1. Natural Heritage Designations**

The appeal site is not within a designated area. The nearest such sites include:

Lough Gill SAC within 1.5km to the northeast.

Ballysadare Bay SPA 2.5km to the west

Ballysadare Bay SAC 2.5km to the west

Unshin River SAC 3.2km southwest

Union Wood SAC 2.2km southwest

Cummeen Strand Drumcliff Bay (Sligo Bay) SAC 4.6km to the northwest

Cummeen Strand SPA 4.6km to the northwest

## **5.2. EIA Screening**

The proposed development is of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 20. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwellinghouse, it is significantly subthreshold the 500 unit limit provided under that part. Notwithstanding the site’s

proximity (c1.5km) to sites of environmental sensitivity namely Lough Gill SAC, I am satisfied that due to the limited nature of the development and nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development and Environmental Impact Assessment is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 The appeal is submitted by Brendan Mc Donagh, Drumiskabole & Darragh McDonagh Carrownamaddoo, Co Sligo. The appeal grounds are accompanied by a number of enclosures which seek to elucidate the case made. Grounds of appeal are summarised as follows:

- Appellants are owners of the land and private right of way along the eastern boundary of the site.
- Elevated nature of the site will result in obtrusive development.
- Critical requirement of a housing need has not been assessed by the Planning Authority.
- Extensive refusal history on the appeal site.
- Previous grant of permission is over 12 years old and since then planning policies both nationally and locally have significantly changed.
- Application is speculative.
- The registered owner of the appeal site Newcourt Retirement Fund Managers Ltd have not given their consent for the application. Consent was given by Mr Enda McCarrick who does not appear as the current owner.
- Precedent for refusal of one off housing development in Sligo in previous Board decisions.
- Sensitive environmental location in close proximity to Lough Gill SAC and within the catchment of the lake. Hydrological connection between the site and designated sites Lough Gill SAC. Impact on designated sites.

- GSI identifies the site is within an area of extreme groundwater vulnerability.
- T value of <3 indicates rapid disposal to groundwaters.
- Site is within a rural area under Urban influence as identified in the Development Plan.
- Applicants state that they have outgrown their existing home understood to be in the village of Ballintogher circa 10km away and do not comply with rural housing policy.
- Applicants have not demonstrated an exceptional housing need or a demonstrable economic or social need to live in this area in accordance with National policy Objective 19 of the NPF or the qualifying criteria set out in Policy PRAUI- HOU-1 of the Development Plan.
- Significant visual impact arising from removal of roadside vegetation as required by Condition 5(d)
- Proposal will give rise to traffic hazard. Boundary details regarding sightlines unclear. Condition 5(d) at odds with Condition 4(c) which seeks the retention of the front boundary.

## 6.2. Applicant Response

6.2.1 The response by Castlegal Architectural Services to the grounds of appeal on behalf of the first party is summarised as follows:

- Notably permission was granted to one of the appellants on adjacent site to the east which is accessed via the same laneway as current appeal. Permission Ref 17/296 refers.
- Application was lodged following extensive pre planning consultation. All relevant information was provided in relation to housing need, house design location.
- Note folio details submitted should not be published given private information contained therein.

- The site is registered in a personal pension fund in Newcourt Retirement Fund Managers for the sole benefit of Mr Enda McCarrick. Relevant landowners consent shown at further information stage.
- Applicant will consult with the local roads engineer and provide necessary information to comply with conditions regarding setback.
- As regards sightlines at the western end of the site applicant is happy to improve sightlines at this junction.

### **6.3. Planning Authority Response**

6.3.1 The response of the Planning Authority is summarised as follows:

- Planning Authority's assessment has been set out in the Planner's report.
- Appellant has not submitted any relevant information as part of the appeal that would alter the Planning Authority's decision on this application.
- Previous refusals by the Board, cited as precedent, are materially different to the proposed development.
- Applicant's original family home is located in close proximity to the proposed site location.
- Proposed development is considered to be in line with the policies of the Sligo County Development Plan and would not injure the visual or residential amenities of the area.
- Propsoal is acceptable in terms of the proper planning and sustainable development of the area.
- Request that the decision of Sligo County Council to grant permission be upheld.

## 6.4. Further Responses

6.4.1 I note that an elaboration received from the appellant and was returned in line with Section 127(3) of the Planning and Development Act 2000.

## 7.0 Assessment

- 7.1 I note that matters of ownership and rights of way over the laneway proposed as access to the appeal site are disputed by the parties to the appeal. The third party appellant claims that the laneway is owned solely by the McDonagh family and is used only by them. The first party submits that there are a total of four landowners along the lane all of whom have an entitlement to use the lane to access their lands and that only one landholding, namely that owned by Sean Monaghan will be used to access the site and for which the relevant consent has been obtained and evidence of same submitted.
- 7.2 Regarding ownership of the appeal site, the appellant notes that the registered owner of the site is Newcourt Retirement Fund Managers Ltd whereas the consent submitted is by Mr Enda McCarrick. The first party in response has stated that the site is registered in a personal pension fund in Newcourt Retirement Fund Managers for the sole benefit of Mr Enda McCarrick.
- 7.3 I would note in response to issues regarding legal interest and rights of way that these are essentially civil matters and not strictly matters for determination within the scope of planning legislation. In this regard I would refer the parties to Section 34(13) of the Planning and Development Act 2000, as amended as follows: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development.”*
- 7.4 I consider that the planning issues raised in the appeal can be addressed under the following broad headings.
- Rural housing policy
  - Servicing Wastewater Treatment, Traffic Safety & Impact on Rural Amenity
  - Appropriate Assessment

## 7.5 Rural Housing Policy

7.5.1 Sligo County Council core strategy and settlement strategy is set out within Section 3 of the Sligo County Development Plan 2017-2023. The site is located in an area designated as a buffer zone around the city. The Objective is “to contain and consolidate the city while safeguarding land for future expansion and the provision of strategic infrastructure, The buffer zone is to be used principally for agriculture.” . Policy P-RHOU-1 of the Sligo and Environs Development Plan 2010-2016 is to facilitate one-off rural housing in the cases of genuine rural generated housing need, whilst discouraging urban-generated one-off rural housing proposals.

7.5.2 I note Policy **P\_RAUI-Hou-1** as follows:

*“It is the policy of Sligo County Council to: P-RAUI-HOU-1 Accommodate proposals for one-off rural houses in Rural Areas Under Urban Influence, subject to normal planning considerations, including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:*

*A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;*

*B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource based employment.*

*C. persons who have no family lands, but who wish to build their first home for their permanent occupation in the area of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives*

*(this provision does not apply in cases where the original family home is located in an area zoned for development in a town or a village);*

*D. persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community or by the existence in this community of long-established ties with immediate family members;*

*E. persons who are required to live in a rural area for exceptional reasons, including health reasons. Such applications must be accompanied by a specialist's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application should also be supported by a relevant disability organisation of which the applicant is a member, where applicable,*

**AND** *where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area."*

7.5.3 Policy Objective 19 of the National Planning Framework seeks to ensure that, in providing for the development of rural housing, 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, it is policy to 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.

7.5.4 The applicants indicate that the proposed dwelling is required as the family has outgrown the current residence. It is their desire to return to the area as the children attend Carraroe school, are members of the local underage GAA and soccer teams and the applicant's mother lives in Carraroe. The third party appellant contends that the application is speculative and is not based on a genuine rural housing need. The appeal site is located within the buffer zone around Sligo city within an area where there is significant pressure for one-off urban generated housing as is clearly evident in terms of the site history and planning and development history in the locality. The



general area is clearly at risk in terms of the dilution or blurring of the urban rural divide. Having considered the application in its detail I am not satisfied that the application substantiates a genuine rural housing need.

7.5.5 The adopted county settlement strategy seeks to direct new housing development into the Gateway City of Sligo and surrounding villages, while accommodating those with a genuine need to live in a rural location, (as is set out in policy P-RAUI-Hou 1 and which is in line with National Policy Objective 19 of the National Planning Framework 2018). This policy would imply that the accommodation of one-off houses in a rural area under urban influence would be exceptional and locationally based and justified. I am satisfied that the particulars of this application do not meet the criteria in terms of genuine rural generated housing need. A grant of permission would in my view not comply with Policy Objective 19 of the National Planning Framework, would undermine rural housing policy and would be contrary to the proper planning and sustainable development of the area.

## **7.6 Servicing - Wastewater Treatment and Traffic Safety & Impact on Rural Amenity.**

7.6.1 As regards site suitability for effluent treatment I note that the site suitability assessment report outlines that in the trial hole excavated to 2.4m water table was not encountered while bedrock was encountered at 2.4m. Soil is described as 150mm uncompact black silt of crumb structure, threads and ribbons 75mm dilatant. At 1.5m below ground level the soil structure is described as 2.25m firm, grey / brown, silty sandy gravel with pebbles cobbles and boulders, of massive structure with no preferential flowpaths. A T value of 1.08 was recorded and P value of 10.33. Based on these assessment results it is proposed to install a proprietary wastewater treatment system, packaged tertiary system and gravel distribution area for the treatment and disposal of effluent.

7.6.2 I note the appellant's concerns regarding wastewater treatment particularly by reference to the steep site topography and inadequate retention time of soils as demonstrated by the T value of 1.08. Whilst it appears that it is technically feasible to

provide for wastewater treatment on the site in accordance with EPA Wastewater Manual standards I would also have concerns in this regard.

7.6.3 On the issue of traffic safety I note that the third-party party appellant raises concerns with regard to the capacity of the laneway access proposed to serve the site and also potential hazard arising from restricted sightlines at the junction of the laneway and the public road. The laneway serving as access to the proposed development is restricted in width and sightline visibility with the local road is severely restricted to the west . The applicant proposes a significant setback over 60m the existing roadside boundary to improve sightlines. This will clearly result in adverse visual impact and in conjunction with the development of the site as a residential site would be detrimental to the preservation of rural amenity.

7.6.4 As regards the design and siting of the dwelling I note the proposal to site the single storey dwelling and garage on the more elevated part of the site. This elevated siting coupled with loss of hedgerow will, in my view, result in inappropriate suburban type development in this rural area under significant urban pressure and would therefore be contrary to the proper planning and sustainable development of the area.

## **7.7 Appropriate Assessment**

7.7.1 The proposed development is not located within a European site and does not relate to the management of any European site and direct effects can therefore be ruled out. The application site is within c1.5 km of Lough Gil SAC discharges to Lough Gill, which in turn discharges to Sligo harbour via the Garvogue river. Lough Gill and the Garvogue river form part of Lough Gill SAC (Site Code: 001976), while Sligo harbour is within the area designated for Cummeen Strand SPA (Site Code: 4035) and Cummeen Strand/Drumcliff Bay SAC (Site Code: 000627).

7.7.2 Having regard to the nature and scale of the proposed development, impact pathways would be restricted to hydrological pathways. The physical distance from the appeal site to the nearest European sites is such that any impact from the hazard source will be well diminished along the pathways in question by the time it reaches

the receptor. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European sites, potential for significant effects, including direct indirect and in-combination effects on the integrity of the European sites in view of their conservation objectives can be ruled out.

## **8.0 Recommendation**

- 8.1 I recommend that permission be refused for the reasons stated in the attached schedule.

## **Reasons and Considerations**

1. It is a policy of the current Sligo County Development Plan 2017-2023 “Strengthen existing rural communities by facilitating sustainable rural settlement in accordance with the National Spatial Strategy and the sustainable Rural Housing – Guidelines for Planning Authorities (DOEHLG, April 2004) (SP-S0-4). Policy P-RHOU-1 of the Sligo and Environs Development Plan is to facilitate one off rural housing in the cases of genuine rural housing need, whilst discouraging urban-generated one off rural housing proposals. These policies are considered reasonable. Having regard to the location of the site within an area identified as a buffer zone around the city and to National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018 which, for rural areas under urban influence, seeks to 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, the Board is not satisfied that the applicant has sufficiently demonstrated that they have a rural-generated housing need. As a result, the Board considers that the proposed development would contribute to the further encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and

infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing and permitted development in the area, the proposed development of a dwelling on this elevated site and which would necessitate the removal of in excess of 60m of hedgerow, would constitute an excessive density of suburban type development in a rural area would be visually obtrusive and would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities.

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Bríd Maxwell  
Planning Inspector

15<sup>th</sup> July 2022