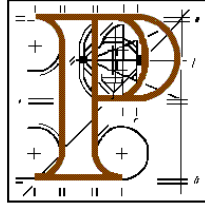


An Bord Pleanála



Inspector's Report

Proposed Development

Construction of 57 residential units and restoration of Rathellen House and associated outbuilding to accommodate six residential units at Rathellen House, Finisklin, Sligo.

Applicant:

Sligo County Council

Type of Application:

Application for approval under section 177AE of the Planning and Development Act 2000, as amended

Date of Site Inspection:

22nd March, 2022

Inspector:

Kevin Moore

1.0. Introduction

- 1.1. This is an application by Sligo County Council seeking approval from An Bord Pleanála under section 177AE of the Planning and Development Act 2000, as amended, further to its preparation of a Natura Impact Statement relating to the proposed construction of 57 residential units and the restoration of Rathellen House and an associated outbuilding to accommodate 6 residential units, the demolition of derelict outbuildings, road works, and all associated site development works at Finisklin, Sligo. Stage 2 Appropriate Assessment has been deemed necessary with regard to the proximity to and potential effects on Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627) and Cummeen Strand SPA (Site Code: 004035).

2.0. Site Location and Description

- 2.1. The 2.46 hectare site of the proposed development is located in the townland of Far Finisklin on the north-western side of Sligo Town, approximately 3km from the town centre and approximately 200m south of Sligo Estuary and the designated European sites of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA. It contains a derelict early-19th century dwelling (Rathellen House) and associated outbuildings centrally located within the holding. The buildings are surrounded by fields in grassland and there are extensive treelines and boundary hedgerows on the property. The land is relatively level.
- 2.2. The site has frontage onto the Far Finisklin Road to the north and Sea Road to the west. There is an An Post delivery centre to the south and open fields to the east. A large pharmaceutical plant (Abbott Ireland) lies a short distance to the south-east. There are two residential estates on the opposite side of Sea Road

(‘Carbury Cove’ and ‘The Orchard’) and extensive industrial facilities forming Finisklin industrial estate to the south.

3.0. Description of Proposed Development

3.1. The proposed development comprises:

- The demolition of derelict outbuildings,
- The construction of 57 residential units consisting of 39 two-storey houses (15 no. 2-bed, 20 no. 3-bed, 3 no. 4-bed and 1 no. 5-bed) and 18 no. duplex apartments (8 no. 1-bed and 10 no. 2-bed) up to three storeys high,
- The restoration of Rathellen House and associated outbuildings to accommodate six residential units (1 no. 1-bed, 3 no. 2-bed, 2 no. 3-bed),
- A new access to the site via Sea Road,
- A segregated cycle path to link Finisklin Road to Sea Road,
- The realignment of Sea Road to the west of the site to include new bus stops and pedestrian crossings,
- On-street parking (100 spaces), public and private open space, boundary treatments, public lighting, site drainage works, an internal road network and footpath, ESB switchrooms/kiosk, landscaping, a play area, and all ancillary site services and development works.

3.3. Details submitted with the application include:

- A schedule of drawings and public notices
- Planning Report
- Natura Impact Statement

- Ecological Impact Assessment
- Invasive Species Management Plan
- Hydrological Assessment Report
- Drainage and Waterman Design Report
- Outline Construction Management Plan
- Outdoor Lighting Report
- Refurbishment Asbestos Survey Report
- Tree Survey
- Stage 1 & 2 Road Safety Audit
- Mobility Management Plan
- Archaeological Impact Assessment
- Geophysical Survey Report
- Information to Support an EIA Screening Determination
- Traffic and Transport Assessment
- Compliance Report on Part L and Life Cycle Report
- Winter Bird Survey Report 2020/2021
- Life Cycle Report
- Final Archaeological Assessment Report for National Development Fund Agency
- Heritage Impact Assessment Report

- Architectural Design Statement

4.0. **Policy Context**

4.1. Sligo County Development Plan 2017-2023

The Sligo and Environs Development Plan 2010-2016, adopted in November 2009, is incorporated in the Sligo County Development Plan 2017-2023, with the policies and objectives continuing to apply until the adoption of a Local Area Plan for Sligo and its environs.

Zoning

The site is zoned R2 – Low/medium Density Residential Area’ with the objective: “To promote the development of housing within a gross density range varying between 20 and 34 dwellings per hectare.” The objective also states that blanket construction of three and four bedroom houses will be discouraged, with all new residential development having to recognise and reflect the changing demographic structure in the house type and design, layout and the additional facilities proposed.

The site is also located within a designated ‘Strategic Land Reserve’. Objective SP-Z-4 applies to these lands and is as follows:

On serviced or serviceable lands included in the Strategic Land Reserve, permit the development of the following, insofar as they do not adversely impact on the potential for comprehensive and co-ordinated development of surrounding lands

– ...

- *social and special-needs housing ...*

5.0. Observations

The Observations received by the Board may be summarised as follows:

Irish Water confirmed that the applicant had engaged with the authority and had been issued with a Confirmation of Feasibility for the proposed connections to its networks. Its advice given on water and wastewater were set out and a recommended condition with any grant of permission was provided.

Geological Survey Ireland stated that it had no specific comments or observations to make

Transport Infrastructure Ireland stated it had no observations to make in relation to the development.

Inland Fisheries Ireland requested that further information be requested or conditions be attached with any grant of permission in relation to:

- Irish Water confirming there is adequate capacity within the Sligo Wastewater Treatment System to facilitate the development,
- the incorporation of surface water drainage design for the site be in accordance with the “Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document”,
- no discharge of silted or polluted waters from the site during the construction phase, and
- measures being put in place to prevent the spread of invasive species.

6.0 Assessment

6.1. Screening for Appropriate Assessment

6.1.1. Background

Section 3.5 of the applicant's Natura Impact Statement (NIS) comprises the conclusion of a Stage 1: Screening Statement, which determines that significant effects on Cummeen Strand / Drumcliff Bay Special Area of Conservation (SAC) and Cummeen Strand Special Protection Area (SPA) cannot be ruled out. The NIS document provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential impacts, and assesses the significance of potential impacts.

Having reviewed the NIS document, including the screening conclusion, and additional submissions to the Board, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

6.1.2. Description of Development

The applicant provides a description of the project in Section 2 of the NIS. In summary, the development comprises the demolition of some outbuildings, site clearance on parts of the site, the renovation and conversion of Rathellen House, the construction of 63 residential units, and the provision of support facilities and infrastructure.

6.1.3. European Sites

The development site is located approximately 200m south of Garavogue Estuary which contains two European sites at this location, namely Cummeen Strand / Drumcliff Bay SAC and Cummeen SPA. One other SAC and two other

SPAs are located within 6km of the site. These are identified in Section 3 of the NIS. There is no known pathway to Lough Gill SAC, which is some 2km to the east. There is no known surface water pathway to Drumcliff Bay SPA and it is located almost 4km north of the site. There is no known surface water pathway to Ballysadare Bay SPA and it is located some 6km south of the site. I, therefore, accept the local authority's submission that, given the lack of pathways and the intervening distances between the site and those other European sites, it is highly unlikely that any qualifying features of these sites could be effected by the project. It is, therefore, reasonable to screen out these from further assessment.

The qualifying features of conservation interest and conservation objectives for the European sites 200m to the north are as follows:

Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627)

Qualifying Features

Estuaries

Mudflats and sandflats not covered by seawater at low tide

Embryonic shifting dunes

Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)

Fixed coastal dunes with herbaceous vegetation (grey dunes)

Juniperus communis formations on heaths or calcareous grasslands

Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)

Petrifying springs with tufa formation (*Cratoneurion*)

Vertigo angustior (Narrow-mouthed Whorl Snail)

Petromyzon marinus (Sea Lamprey)

Lampetra fluviatilis (River Lamprey)

Phoca vitulina (Harbour Seal)

Conservation Objectives

To maintain the favourable conservation condition of Estuaries, Mudflats and sandflats not covered by seawater at low tide, Embryonic shifting dunes, Petrifying springs with tufa formation (*Cratoneurion*), *Vertigo angustior* (Narrow-mouthed Whorl Snail), *Lampetra fluviatilis* (River Lamprey), and *Phoca vitulina* (Harbour Seal).

To restore the favourable conservation condition of Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), *Juniperus communis* formations on heaths or calcareous grasslands, and *Petromyzon marinus* (Sea Lamprey).

Cummeen Strand SPA (Site Code: 004035)

Qualifying Features

Light-bellied Brent Goose (*Branta bernicla hrota*)

Oystercatcher (*Haematopus ostralegus*)

Redshank (*Tringa totanus*)

Wetland and Waterbirds

Conservation Objectives

To maintain the favourable conservation condition of the bird species and the wetland habitat.

6.1.4. Identification of Likely Effects

I first acknowledge that the proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. I then note

the local authority's Winter Bird Survey Report (which included open lands to the north-east of the site) to determine if the site was used by SPA bird species. Having regard to the findings of this relating to the site itself, to the urban context of the site for the proposed development, and to the contained and enclosed nature of this former residential site, as well as the extent of tree cover, it is reasonable to determine that the proposed development site itself is of no known importance for the birds of Special Conservation Interest of the SPA 200m to the north. I further acknowledge that there are no rivers or streams on or in the vicinity of the site. There is a drainage ditch on the northern boundary of the site adjoining Far Finisklin Road which drains north-eastwards towards Garavogue Estuary. This is culverted under the public road. The nearest watercourse is Knappagh Stream, which is 250m south-west of the site and there is no connectivity to that stream. Storm water infiltrates to the ground at the site and excess runoff drains northwards. I note that all proposed works would take place outside of the SAC and SPA at Garavogue Estuary.

The range of activities with potential effects on European sites would be at the construction stage and would include:

- demolition of outbuildings,
- clearance of much of the site in preparation of construction works,
- renovation works associated with Rathellen House, and
- the development of internal roads, parking, a cycle path, and services.

The Board will note that, at the operational phase, foul water arising from the occupied development would be discharged to the local authority's foul sewer on Sea Road and would be treated at Sligo Wastewater Treatment Works. This Irish Water controlled treatment works provides primary, secondary and tertiary treatment, is operating within its organic and hydraulic capacity, and has the

capacity to accommodate the additional loading that would be generated by the proposed development. Surface water from roofs and paved areas would be discharged to an underground infiltration tank, soakaways would be provided to the rear of houses, and rainwater on green areas would percolate to ground.

Having regard to the above, it is determined that the potential effects arising from the proposed development would include adverse effects on water quality associated with pollution at the construction phase due to runoff and surface waters draining northwards to the Garavogue Estuary and groundwater having a potential pathway to coastal waters. It is, therefore, reasonable to determine that the proposed development could have potential indirect effects on the conservation objectives of the Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA.

6.1.5. In-combination Effects

I note that Section 2.3 of the submitted NIS refers to other nearby proposed developments with potential in-combination effects. It is acknowledged that each of these urban-related developments were subject to AA screening, when it was determined that there was no risk of significant effects for European sites in each instance. It is accepted that there is potential for multiple concurrent developments occurring in this urban location and, thus, there is potential for cumulative effects with other projects and activities in this area.

6.1.6. Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European site have been relied upon in this screening exercise.

6.1.7. Screening Determination

The proposed development has been 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 could potentially give rise to significant effects on Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627) and Cummeen Strand SPA (Site Code: 004035), in view of their Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the works associated with the proposed development,
- The proximity to European sites, and
- The known pathways between the site and the European sites in the vicinity.

6.2. Appropriate Assessment

6.2.1. Background

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. Following the screening process above, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627) and

Cummeen Strand SPA (Site Code: 004035). The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects were not considered in the screening process.

6.2.2. **Natura Impact Statement**

The application to the Board includes a document entitled *Natura Impact Statement Proposed Residential Development at Far Finisklin, Co. Sligo* dated 2nd February 2022. The NIS addresses methodologies employed, gives a description of the project, identifies the relevant Natura 2000 sites and assesses the potential significant effects thereon (inclusive of cumulative effects), and details mitigation measures. Potential adverse effects of the proposed development on Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA were examined and assessed. The NIS provided an assessment of a number of potential effects on the SAC and SPA arising from the proposed development.

The NIS concluded that the proposed development will not cause any significant negative impacts on the integrity of any Natura 2000 sites.

I note the submissions received in response to the application, including those from Irish Water and Inland Fisheries Ireland.

6.2.3. **Appropriate Assessment**

Introduction

This assessment considers all aspects of the proposal which could result in significant effects, as well as the mitigation measures designed to avoid or reduce any adverse effects. The assessment has had due regard to the applicant's submitted Natura Impact Statement, Ecological Impact Assessment, Invasive Species Management Plan, Hydrological Assessment Report, Drainage

and Waterman Design Report, Outline Construction Management Plan, Information to Support an EIA Screening Determination, and Winter Bird Survey Report 2020/2021. Third party submissions are again noted and have been considered.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

Observations on Land Use

I note the following relating to this site:

- The site is not within or adjacent to any European site. Therefore, there is no risk of direct effects on any such sites.
- The site is a former residential landholding, with an existing house and outbuildings in a state of substantial disrepair.
- The site lies in the immediate vicinity of established urban development, with residential estates to the west and industrial structures to the south and south-west.
- This is a site that is zoned for the purposes now intended in this application.

European Sites

The following sites are subject to appropriate assessment:

- Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627)
- Cummeen Strand SPA (Site Code: 004035)

A description of these sites and their Conservation and Qualifying Interests / Special Conservation Interests are set out in the NIS. Details are set out in the Screening undertaken earlier in this report.

Relevant Aspects of the Proposed Development

Section 2.2 of the applicant's NIS details the characteristics of the proposed development and Section 2.3 identifies other plans, projects and activities relating to potential in-combination effects. As referenced in the Screening undertaken earlier, the main aspects of the proposed development that could adversely affect the conservation objectives of the European sites are at the construction stage and these include:

- demolition of outbuildings,
- clearance of much of the site in preparation of construction works,
- renovation works associated with Rathellen House, and
- the development of internal roads, parking, and a cycle path.

I acknowledge that these works would involve site clearance, excavation, site preparation, construction of buildings and provision of services.

The potential effects would relate to indirect effects on water quality associated with pollution at the construction phase from pollutants such as concrete/cement, siltation, sedimentation, and hydrocarbons percolating to ground and being

carried 200m northwards to Garavogue Estuary and/or by surface water runoff flowing 200m north over land and/or via drains to the Estuary.

Cummeen Strand / Drumcliff Bay SAC

I first note that Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria*, Fixed coastal dunes with herbaceous vegetation (grey dunes), *Juniperus communis* formations on heaths or calcareous grasslands, Petrifying springs with tufa formation (*Cratoneurion*), and *Vertigo angustior* (Narrow-mouthed Whorl Snail) are not present on the European site at its nearest point 200m to the north or within the immediate vicinity of the site. Likely significant effects on these habitats and species can reasonably be screened out.

I have considered that there is the potential for the receiving marine waters of the Garavogue Estuary and the mudflats and sandflats of the SAC to be altered as a result of the ingress of pollutants from the construction works, potentially having a negative effect on water quality and affecting the distribution or abundance of species. It is, therefore, accepted that mitigation would be required to control pollutant emissions to the marine environment.

I observe that the applicant has developed an Outline Construction Management Plan to mitigate potential impacts on people and the surrounding environment. Section 5 of the NIS also sets out a range of mitigation measures to address potential impairment to water quality and to protect the Garavogue Estuary, its habitats and species.

Having regard to the above, I consider that:

- There would be no loss of habitat of qualifying interest within the SAC,
- The applicant has developed a Construction Management Plan and an array of appropriate mitigation measures to be implemented which would ensure that there would be no deterioration of water quality, and

- Disturbance/displacement of qualifying interest species that would be distant from the proposed development site would not arise.

Cummeen Strand SPA (Site Code: 004035)

I note the findings of the local authority's Winter Bird Survey Report (which included open land to the north-east of the proposed site) to determine if the site was used by SPA bird species, the urban context of the site for the proposed development, and to the contained and enclosed nature of this former residential site, as well as the extent of tree cover. It is reasonable to determine that the proposed development site itself is of no known importance for the birds of Special Conservation Interest of the SPA 200m to the north. Furthermore, given the urban nature of this site, its established use as a residential property, and the industrial and residential activities of established neighbouring properties, it can reasonably be determined that the proposed development would have no known significant effects by way of disturbance and/or displacement for overwintering birds or birds of Special Conservation Interest 200m to the north at the SPA.

I acknowledge once again the plans and mitigation measures devised to ensure there would be no likely significant effects on water quality.

6.2.4. Potentially Significant Cumulative Effects

I note the reference to potential in-combination effects in my screening earlier. I would anticipate that most of the permitted developments that have been referenced in Section 2.3 of the local authority's NIS would be substantially underway, if not completed, by the time the proposed development would commence. I further note that each of those proposals in themselves were determined to have no significant effects on any European sites. The applicant has prepared an Outline Construction Management Plan. The established residential nature of the site and its urban location and context have been

detailed earlier. Overall, it may reasonably be determined that there would not be significant cumulative effects in terms of disturbance or displacement of the birds comprising the Special Conservation Interests of the SPA and species and habitats comprising the Qualifying Interests of the SAC.

6.2.5. Mitigation

Section 5 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the construction phase of the proposed development. The measures include the engagement of an Ecological Clerk of Works, concrete and cement controls, management of sediments, and management and handling of hydrocarbons and chemicals. In my opinion, these constitute suitable, robust, comprehensive and necessary measures to avoid any adverse impacts on the integrity of the European sites 200m to the north.

6.2.6. Residual Impacts

I submit that, if the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying features of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA.

Following my appropriate assessment of the proposed development and with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA in view of the Conservation Objectives of these sites. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

6.2.7. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is founded on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA.
- Assessment of in-combination effects with other plans and projects, including current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Cummeen Strand / Drumcliff Bay SAC and Cummeen Strand SPA.

6.3. **Third Party Submissions**

- 6.3.1. I am satisfied to conclude that the proposed development is not in conflict with the submissions from Transport Infrastructure Ireland and Geological Survey Ireland.
- 6.3.2. It is reasonable to determine that Irish Water has no particular concerns in relation to the housing development connecting to and utilising its water and wastewater networks. Provision of a new 225mm diameter foul sewer is required to accommodate the proposed development from the site boundary to the Irish Water sewer to the south for a distance of approximately 170 metres. There is no particular infrastructural constraint with the provision of water services.
- 6.3.3. Regarding the IFI submission, it is first evident that Irish Water has not indicated that there are any concerns with capacity at the Sligo Wastewater Treatment Plant. I then note that the local authority has provided a detailed drainage plan which includes site-specific SuDS measures, attenuation measures, and provision of an interceptor in accordance with best practice. The details submitted to the Board by the local authority also includes an Outline Construction Management Plan. This sets out a wide range of measures to address the management of the construction phase of the proposed development. Finally, I acknowledge the local authority's Invasive Species Management Plan. I am satisfied that the details contained in the application to the Board satisfactorily address the issues raised in the IFI submission.

6.4. **Likely Effects on the Environment**

6.4.1. *Environmental Impact*

My considerations are as follows:

- I acknowledge that the proposed residential scheme would be developed on a site which has an established residential use.
- With due regard to population, the proposed development would provide social housing to assist in accommodating the needs of Sligo and its environs.
- With regard to biodiversity and to the appropriate assessment undertaken earlier, the proposed development would not adversely affect the integrity of any European sites. Furthermore, having regard to the extent of the local authority's provisions, including those set out in the Ecological Impact Assessment, Invasive Species Management Plan, and the Tree Survey, it is reasonable to determine that an extensive array of mitigation measures are being provided to minimise adverse impact on trees and mammal and bird species (inclusive of woodland retention and mitigation for bats) at this residential site and protective measures are being employed to address invasive plant species on the site.
- The proposed development on this residential site would not have any significant unacceptable direct or indirect impacts in terms of land and soils.
- The proposed development, extending the residential footprint on the site, would not have any significant unacceptable direct or indirect impacts in terms of hydrogeology and hydrogeology.
- The proposed development, designed to meet social housing needs, would not have any significant notable unacceptable direct or indirect impacts in terms of air quality and climate at this urban location.
- The proposed development can be adequately accommodated by existing public services at this location and the road network can safely

- accommodate traffic generated. The proposal, therefore, would not have any significant unacceptable direct or indirect impacts on material assets.
- The proposed development would include the restoration and renovation of Rathellen House, a house of notable character and of significant heritage value, being a delisted protected structure. These works and the subsequent occupation of the house would successfully return the building to its intended residential use. The proposal would, therefore, enhance the cultural heritage of this location.
 - The site has been the subject of an archaeological impact assessment by the local authority in consideration of the proposed development and this recommended further assessment by way of geophysical survey and test trenching. A geophysical survey was subsequently carried out and the rectilinear spreads of magnetic disturbance and ferrous responses are noted. Archaeological test trenching then followed and the testing did not encounter archaeological features, deposits or artefacts. There is no requirement for any further archaeological assessment.
 - In terms of landscape and visual impact, it is noted that the site of the proposed development is in an urban area, is on an established residential property, and contains a house of some architectural merit that is proposed to be redeveloped as a key component of the overall development. The proposed development would likely enhance the landscape and visual presentation of this presently unkempt site in which buildings are in a state of disrepair and are continuing to deteriorate and where trees and woodland require works to ensure appropriate conservation and retention in the interest of protecting the amenity value of the area.

Overall, I submit to the Board that the proposed development would likely have significant positive environmental impacts and would constitute sustainable development.

6.4.2. *The Need for EIA*

I observe that the proposed development would provide 63 residential units on a site area of 2.46 hectares, in an area that is neither a business district or a built-up area, and that the proposed parking would be incidental to the primary residential purpose. It is clear that the proposed development, therefore, is one which does not require mandatory environmental impact assessment and that the housing component falls very far short of the '*more than 500 dwelling units*', while the land area would fall very far short of the '*20 hectares elsewhere*' threshold.

I make the following additional observations:

The Proposed Development

- The proposed development would comprise a small-scale residential development of 63 units on a site of 2.46 hectares which has an established residential use.
- The proposed development would be developed in the vicinity of established small-scale residential estates and business/industrial uses. There are no known proposed developments of any significant scale in the vicinity of the proposed social housing scheme.
- The proposed development would include minor demolition works only, involving the removal of some small, dilapidated outbuildings.
- The proposed development would be sited on an established residential landholding which is zoned for residential purposes and which is a fully

serviceable site. It would provide for the restoration of the existing house and would seek to include the retention of many of the natural features of the site.

- The proposed development is on lands on which development of the nature proposed is planned for. It is a compatible development with its intended use and with the established uses in the vicinity.

Site Location

- The existing land use at this site is residential and the site is zoned for residential purposes.
- The location for the proposed development is in an urban area in the immediate vicinity of established residential estates.
- The serviced development would include the restoration of an existing house of heritage value in disrepair at present, the retention of many of the important natural features of the site, and provides an array of mitigation measures to protect the natural amenity of the site.
- The siting of the proposed development would not affect areas of ecological, cultural or conservation value.

Likely Environmental Impacts

I draw the attention of the Board to my considerations earlier under the heading 'Environmental Impact'. Suffice to indicate the following:

- The proposed development would provide much needed social housing in the serviced urban area of Sligo at a location planned for a development of this nature.

- The proposed development would be consistent with the pattern, form, scale and nature of development permitted at this location.
- The proposed development would not result in any known significant cumulative impacts with development already approved and functioning at this location.

Overall, it may reasonably be concluded that the proposed development would not exceed the threshold of any project defined in Schedule 5 of the Planning and Development Regulations. Having regard to the considerations of the likely environmental significance of the proposal, it may reasonably be concluded that the proposed development would not result in any significant environmental impacts. It is, thus, reasonably determined that Environmental Impact Assessment is not required and the requirement to submit an Environmental Impact Assessment Report does not arise.

6.5. **Likely Consequences for Proper Planning and Sustainable Development of the Area**

6.5.1. I note that the proposed development can reasonably be viewed as being wholly compatible with the development plan provisions for these lands as set out in the Sligo and Environs Development Plan, which is incorporated into the current Sligo County Development Plan. I acknowledge the following:

- The site is zoned R2 – Low/medium Density Residential Area’ with the objective: “To promote the development of housing within a gross density range varying between 20 and 34 dwellings per hectare.” The proposed development is in keeping with this objective.

- Compliance with the density provisions for this site is understood, notably with regard being had to the existing dwelling and outbuilding proposed to be retained, the established tree cover on the site of substantial amenity value being retained, and the need to retain some degree of open character of the site in respect of its established character and in response to the specific site conditions.
- The zoning objective requires blanket construction of three and four bedroom houses to be discouraged and new residential development to recognise and reflect the changing demographic structure in house type and design, layout and the additional facilities proposed. It is evident that the proposed development meets with these provisions, including a scheme which provides two, three, four, and five-bed houses, one and two-bed duplex apartments, one, two and three-bed apartments, a segregated cycle path, bus stops and pedestrian crossings, parking, and open space.
- The site is also located within a designated 'Strategic Land Reserve' and there is an objective applicable to the lands, namely Objective SP-Z-4. This objective permits social housing in this Strategic Land Reserve where lands are serviceable and where it does not adversely impact on the potential for comprehensive and co-ordinated development of surrounding lands. Having regard to the proposed development being a residential development which is consistent with the established land use at this location and which does not encroach on the developability of lands in the immediate vicinity, it is reasonable to determine that the proposed serviced social housing would be wholly in keeping with the objective.

6.5.2. Overall, having regard to the existing land use provisions clearly set out in the statutory Development Plan which expressly seek to provide and accommodate a development of the nature proposed, one must reasonably conclude that the

proposed development is in accordance with the proper planning and sustainable development of this area.

7.0 CONCLUSION AND RECOMMENDATION

I conclude that:

- (a) subject to full implementation of the mitigation measures set out, the proposed development would not result in significant adverse environmental effects and in particular would not adversely affect the integrity of European sites in the vicinity, and
- (b) the development is in accordance with statutory development plan policies and provisions and constitutes proper planning and sustainable development of the area.

I recommend that the Board approves the application for the reasons and considerations and subject to the conditions below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (c) the provisions of the Sligo County Development Plan 2017-2023 and the Sligo and Environs Development Plan 2010-2016,
- (d) the nature and scale of the works, and
- (f) the submissions and observations made in connection with the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment and would otherwise be in accordance with the proper planning and sustainable development of the area.

APPROPRIATE ASSESSMENT

The Board agreed with the screening assessment, appropriate assessment and conclusions contained in the Inspector's report that the Cummeen Strand / Drumcliff Bay SAC (Site Code: 000627) and Cummeen Strand SPA (Site Code: 004035) are the European sites for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the appropriate assessment, the Board adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16th day of

February 2022, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement submitted with the application.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European sites.

Kevin Moore
Senior Planning Inspector

6th May 2022