



An
Bord
Pleanála

Inspector's Report

ABP-314280-22

Development

Construction of 74 residential units and associated site works. Demolition of bungalow dwelling house and outbuildings. Natura Impact Statement (NIS) accompanies application.

Location

Cairns Road, Sligo, Co. Sligo.

Planning Authority

Sligo County Council.

Planning Authority Reg. Ref.

2297.

Applicant(s)

Novot Holdings Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

Third Party versus decision.

Appellant(s)

1. Xavier Burns and others
2. Residents of Hilltop Park (M Moore)
3. Robert Hensey
4. Concerned Residents of Cairns Hill/Tullynagracken C/o Graham Glynn

Observer(s)

5. Hession and Keeney Families
6. Breege Hession
1. Tanya Conway and Basil Freeman
2. Anne-Marie Delmotte
3. Michael Comer
4. Stefan Bergh
5. Childcare Committee, County Sligo

Date of Site Inspection

20 June 2023.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The site is located within a southern suburb of Sligo Town, south of Markievicz Park GAA grounds and to the east of the Sligo Retail Park. The eastern part of the site bounds Cairns Road (Cairns Hill), the remaining boundaries border housing. To the north are Ardcairn and Hilltop Park, to the west is the Hawthorns Estate. Detached houses on large sites are located at Tullynagracken North, to the south of the site.
- 1.2. The site slopes down to meet housing on its southern, western and northern boundaries. The majority of the site is in grassland with a small portion that accommodates a cottage, hardstanding and sheds. The boundaries of the site comprise mostly mature hedging, some stone walls and trees. The wider area is characteristic of suburban housing in the form of traditional housing estates, comprising two storey homes. To the east and south of the site, detached houses on large garden plots give way to the rolling countryside beyond.

2.0 Proposed Development

- 2.1. The proposed development is for 74 residential units and associated site works. The overall scope of development can be summarised as follows:

Demolition of a bungalow dwelling house and outbuildings.

Construction of 74 residential units:

- 5 one bed own door apartments,
- 19 two bed own door apartments,
- 8 three bed terrace houses
- 14 three bed semidetached houses,
- 2 four bed terraced houses,
- 26 four bed semidetached houses.

Linkage to the Cairns Road via vehicular, pedestrian and cycle means, and linkage to Ardcairn via pedestrian and cycle way.

Open spaces, public and communal.

Refuse storage, bike and car parking.

Unsolicited Further Information was received by the Council and refers to additional comments to be contained in the conclusions of the Archaeological Impact Assessment.

A Natura Impact Statement (NIS) accompanied the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 36 conditions. Nearly all conditions are of a standard or technical nature and some relate to development bonds/contributions. Noteworthy conditions include:

- 2. Revised drawings to include the omission of side elevation second storey window, house type B drawing PL. 102.
- 10. Updated boundary treatment details.
- 36. Archaeological testing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Sligo County Development Plan 2017-2023 as it incorporates the Sligo Environs Development Plan 2010-2016 as amended, is the relevant statutory plan. The site is zoned R2 – low/medium density residential areas and a Strategic Land Reserve (SLR). Sligo requires 468 new residential units each year between 2020 and 2031. The RSES supports growth and identifies Sligo as a Regional Growth Centre. Residential uses are acceptable on the R2 zoning and though the site is subject to an SLR it is appropriate to materially contravene the plan in this instance, as per section 34(6) of the PDA.

- AA – conclusions of NIS noted and incorporation of mitigation measures recommended. EIA – an EIAR not required.
- House and apartment design and mix are acceptable.
- A residential density of 35 units per hectare accords with the R2 zoning.
- The layout and position of units integrates well with existing development and will provide good linkages with the wider area.
- In terms of sunlight/daylight/overshadowing, in general the development is acceptable. It is noted that unit 1 hilltop Park will experience some degree of overshadowing of the rear garden, but this is accordance with the advice set out in the BRE guidelines. The concerns of third parties is noted but no loss of amenity will result.
- Traffic, transport and parking proposals are acceptable subject to minor adjustment.
- Water services - waste water and water supply are acceptable to Irish Water, surface water proposals are subject to conditions.
- No impact to the archaeological landscape of the area is envisaged, standard condition to be attached.
- All other issues to do with taking in charge, childcare, bin storage, lighting are acceptable and can be managed by condition.

The recommendation was to grant permission subject to conditions and initiate the material contravention procedure in accordance with section 34(6) of the PDA.

The Chief Executives Report of the 17 June 2022 recommended a grant of permission in accordance with the Planner's Report.

A Resolution of the Council to grant permission was agreed at the full Council Meeting of 4 July 2022.

Decision to Grant Permission issued on 12 July 2022.

3.2.2. Other Technical Reports

Sanitary Services – no objections subject to conditions.

Area Engineer – Roads/Maintenance no objections subject to conditions.

Environmental Services - no objections subject to conditions

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

31 submissions were received by the planning authority and can be summarised as follows:

- Strategic Land Reserve zoning, the site should not be developed.
- Overshadowing of neighbouring property will occur.
- Overlooking, units 11-18 are highlighted as problematic.
- High density and housing layout is not acceptable
- Noise, communal garden space for apartments will create noise to the back of existing houses. Bike/bin storage areas are ill placed and will cause a disturbance.
- Roads and Traffic, the exit on to Cairns Road will be dangerous. The roads in the area cannot support additional traffic and there are no cycle lanes at present along Cairns Road. Existing pedestrian facilities are poor in the area. There will be traffic conflicts with the GAA Grounds. The nearest bus route is 500 metres away. The connection to Ardcairn is opposed.
- House design not in keeping with surroundings, two storeys are too high and apartments are not common in the area.
- Archaeological landscape (Cuil Irra Peninsula) will be adversely impacted upon. Past refusals in the area have been based upon archaeological reasons.
- Site is exposed and will impact the visual amenities of the area.
- Flood risk concerns.

- Existing water services are not up to standard and cannot accommodate the proposed development.
- Loss of wildlife.
- Property values will be impacted upon.
- The address of the proposed development is incorrect and misleading, should be Cairns Hill, not Cairns Road.

4.0 Planning History

None relevant to the site.

5.0 Policy Context

5.1. Development Plan

Sligo and Environs Development Plan 2010-2016 (as extended and incorporated with the County Plan)

The Sligo and Environs Development Plan 2010-2016 (SEDP) was adopted in November 2009 and was due to expire in 2015. When Sligo Borough Council was abolished in 2014, the lifetime of the SEDP was automatically extended in accordance with the legislation. In August 2017, the provisions of the SEDP were further extended through incorporation into the Sligo County Development Plan 2017-2023 (CDP).

The site is located on two land use zoning objectives. The majority of the site is located on lands zoned SLR R2 – low/medium density residential areas, Strategic Land Reserve, and a small portion of the site to the north east is located lands zoned RE – existing residential areas.

R2 - Objective: Promote the development of housing within a gross density range varying between 20 and 34 dwellings per hectare (8 to 13 dwellings per acre). In R2 zones, blanket construction of three- and four-bedroom houses will be discouraged. All new residential development will have to recognise and reflect the changing

demographic structure in the house type and design, site layout and the additional facilities proposed. While housing is the primary use in these zones, recreational structures, crèches/playschools, educational facilities, community buildings, sheltered housing and corner shops will also be considered.

Variation no. 2: Core Strategy of the Sligo and Environs Development Plan 2010-2016

5.4.4.6 Designation of Strategic Land Reserve

Strategic Land Reserve policies It is the policy of Sligo Borough and County Councils to:

P-SLR-1 Designate and maintain as Strategic Land Reserve (SLR) the lands marked accordingly on the (Amended) Zoning Map pertaining to the SEDP.

P-SLR-2 Restrict residential development on lands included in the SLR during the lifetime of the SEDP 2010- 2016, except for one-off rural housing in cases of genuine rural-generated housing need which comply with the criteria set out in section 7.2.5 of the Plan.

P-SLR-3 On lands included in the SLR, permit the development of community facilities and other non-residential developments compatible with residential uses insofar as they do not adversely impact on the potential for comprehensive and co-ordinated development of surrounding lands.

P-SLR-4 Release lands from the Strategic Land Reserve only in exceptional circumstances, i.e. if the supply of residential land proves insufficient during the lifetime of the SEDP. Any land release shall be supported by factual evidence and shall conform with the strategic zoning policies outlined in Section 5.2.2 of the SEDP. The land release shall be done using the development plan variation procedure.

P-SLR-5 Notwithstanding the policies, objectives and any other provisions contained in Chapters 6 to 16 of the SEDP, no development will be permitted if it conflicts with the Core Strategy.

RE - Objective: Protect and enhance existing residential amenity. The introduction of compatible/ancillary uses, redevelopment and regeneration may be considered in these areas, as long as the dominant use remains residential. Increases in density may be considered in the case of redevelopment (depending on the site context) and regeneration of existing residential areas.

Chapter 16. Development management standards

R2 Low-medium density: 20 to 34 dwellings per hectare

16.2.7 Archaeology

16.3 Residential development standards

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. The closest designed site is located 1.2 km to the east, Lough Gill SAC (site code 001976). The applicant has prepared an AA Screening Report and a Natura Impact Statement (NIS).

5.3. EIA Screening

- 5.3.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Six third party appeals were received by the Board and they include: Xavier Burns and others, Residents of Hilltop Park, Robert Hensey, Concerned Residents of

Cairns Hill/Tullynagracken C/o Graham Glynn, Hession and Keeney Families, and Breege Hession. The appeal submissions can be summarised as follows:

- Planning policy does not support development of the subject site. The Sligo County Development Plan 2017-2023, that includes the Sligo and Environs Development Plan (SEDP) 2010-2016 are the relevant local statutory development plans. Each relevant policy that restricts the development of housing on Strategic Land Reserve is presented and submitted as a reason for not allowing the proposal to proceed. Development of the site is contrary to the Regional Spatial and Economic Strategy (RSES) 2020-2031 and the National Planning Framework, there are other much better places and zoned sites that would benefit from development. National guidelines for planning authorities are also not followed.
- Density – the site is located in a peripheral location not suited to high density housing and goes against the Strategic Land Reserve zoning, for the following reason:
 - Peripheral location, removed from the town centre and reliant on private car use.
 - Limited accessibility to public transport.
 - Close to a designated nature conservation site, landscape, archaeological amenity, and water resources.
 - Deficiencies in local infrastructure such as roads, footpaths, public lighting and water services.
 - Absence of local social and community amenities.
 - Risk of flooding.
- The proposed developed leapfrogs more suitable sites and fails to follow the sequential approach outlined by local, regional and national planning advice.
- Archaeology – the Sligo passage tomb landscape has now been added to the tentative list of world heritage sites by UNESCO. The site is in the vicinity of this archaeological landscape and will directly and adversely impact the landscape. The archaeological landscape of Cuil Iorra Peninsula will be

adversely impacted upon, sightlines will be interrupted and the landscape will be changed entirely. The decision to permit development at this location at variance with the statutory plan, works against the efforts to place the wider area on the list of UNESCO world heritage sites. The Archaeological Impact Assessment fails to consider the wider landscape.

- The Character of the area will be altered by development that it is not consistent with the low density low rise housing already in place. The transition from low rise to two storey development is not handled well by the proposed development, with minimal separation distances and lack of buffer open space.
- Traffic/Transport and Safety - The site is remote from any facilities and future residents will rely on cars to avail of services such as schools, shops and other amenities. Pedestrian facilities in the area are not up to standard and place further reliance on private car use. Cairns Road has multiple entrances and junctions along it and an increase in traffic will cause traffic congestion and possible accidents. The road design in the vicinity of the site is rural in character and will not be up to standard with the volume of use. No cycle line runs along Cairns Road and so car reliance will be intensified. The proposed access on to the Cairns Road (60kph zone) is not safe. The Road Safety Audit is of a poor standard and the survey was carried out during mid term. Roads in the area are not DMURS compliant and placing the density of development proposed at this location could be dangerous.

Condition 35 requires the payment of a special contribution to upgrade Cairns Road, but no details or timeline have been provided.

Public transport in the area is based on low frequency bus service that does not link in with other services or employment areas. The bus stop is located more than 400 metres away and down a steep hill. The current bus service is intermittent and surveys show very low use and no use by parents with pushchairs.

Not enough car parking spaces are provided.

- Overlooking will occur due to the raised levels of the site proposed and given the two and three storey heights of houses located on all sites along the periphery.
- Overbearing appearance, the proposed development of two storey houses and apartments will result in an overbearing appearance for existing single storey housing. Thus the visual amenity experienced by existing residents will be upset. Hilltop Estate will suffer greatly from an overbearing impact.
- Overshadowing will result to the amenity areas of houses at Hilltop and the accuracy of the daylight drawings are questioned.
- Visual amenity in the general area will be disrupted because the development of two storey houses on a prominent site will interfere with views. Longer range views have not been assessed.
- Schools/crèche – the capacity of local schools and creches to accommodate any more children is limited, the proposed housing will add to problems.
- Flooding of adjacent properties will result because of the raised levels of the site.
- Designated Sites - no analysis was made of indirect hydrological connections between the site and Lough Gill SAC, this is a flaw.
- The development fails to take account of climate change and carbon emissions.
- Electricity supply will be interrupted due to power outages and increased demand will not help matters.
- Water supply and water pressure will be adversely impacted upon by the increased demand necessitated by the development. It is noted that the Irish Water pre-submission enquiry referred to 60 units not 74.
- The development will diminish the attractiveness of the town centre and so go against the Towns First policy.
- There are sufficient lands already zoned for residential use in Sligo and so no need to rezone the subject site. The legality of the Material Contravention process is questioned, no proper consideration was given to the submissions

received by the planning authority. Specifically, the Council failed to comply with the requirements of section 34(6)(a)(iii) of the Planning and Development Act 2000 (as amended).

- Loss of wildlife – local Kestrel population will be impacted upon. Kestrels are active in the vicinity, photos and access to video material submitted.
- The address of the proposed development is incorrect and misleading, should be Cairns Hill, not Cairns Road.

6.1.2. Location specific objections include:

- House type A (3 storey house) units 5-10 and House type B (3 storey house) unit 11 gable end, will overlook back and side gardens and rear windows will be overlooked. The house will be overshadowed and a hope to install solar panels may disappear.
- Apartments J-H will overlook property.
- House type A (3 storey house) unit 10 and House type B (3 storey house) unit 11, and Apartment J will overlook back and side gardens and cause overshadowing.
- Houses 1 to 7 Hilltop all oppose the development because of concerns about overlooking, overshadowing and overbearing appearance. Houses at Hilltop are single storey and the raised site levels and the proposal for two storey houses and apartments will damage residential amenity. Three houses owned by the HSE at Hilltop Park will be overlooked by apartments. Communal gardens, bin and bicycle stores attached to the rear of apartments will create noise and a nuisance for residents.

6.1.3. Appeal submissions include annotated drawings, surveys, photographs and submissions made to the initial planning application and the submissions made with respect to the material contravention procedure initiated by the planning authority.

6.1.4. One appeal submission included a letter from Birdwatch Ireland with reference to bird species and specifically Kestrel.

6.2. Applicant Response

The applicant has prepared a detailed response to the grounds of appeal and submitted a photomontage booklet, the response can be summarised as follows:

- SLR - The decision to materially contravene the existing plan in the face of changed national and regional planning circumstances is set out. The site is zoned for higher densities, is serviced and located amongst existing development, the sequential approach is met.
- Design – appendix 2 of the response to the grounds of appeal sets out the design rationale and refutes the concerns raised.
- Public Connectivity – the site is well located, walking distances and times are set out in table 3.1. Bus services are locally available, Sligo S1 400 metres, and route 458 850 metres.
- Landscape and Visual – appendix 3 and additional photomontage images show that the development will not impact in visual terms on the landscape of the area.
- Archaeology – the archaeology of the site will be considered as per condition 36 and a geophysical assessment is included in appendix 6.
- Appropriate Assessment – the development could not be screened out, an NIS was prepared and mitigation measures proposed. Cumulative impacts were considered and discounted.
- The development was screened out and no EIAR is required.
- An Ecological Impact Assessment (EIA) was prepared and included a Bird survey. It is concluded that there is no potential for impacts to bird species, red-listed or SCI listed, including Kestrel.
- Traffic – all relevant traffic, transport and design documentation was submitted with the application and approved by the planning authority, a detailed response is set out in appendix 5 and prepared by Jennigs O'Donovan and Partners Limited. Car and cycle parking is accordance with development plan standards.

- Flood risk was assessed and considered not to be an issue for the site or its surrounds.
- Water supply issues are not considered to be a problem for this site, Irish Water have confirmed this.
- Social infrastructure is located in the wider area, characterised as an existing residential neighbourhood.

6.3. **Planning Authority Response**

- 6.3.1. The Board should refer to the planning reports and other reports on file as well as the decision to grant permission. After examination of the contents of the appeal, the proposed development is still in accordance with the statutory plan, the resolution of the elected members with reference to the material contravention procedure and the notification to grant permission.

6.4. **Observations**

Five observations have been submitted to the Board. The submissions reiterate the concerns raised at the planning application stage and also repeat the grounds of appeal. Other matters can be summarised as follows:

- The developer holds land elsewhere in Sligo, that are better suited to development.
- A pedestrian entrance adjacent to 39 Ardcairn, and lack of car parking will result in a devaluation of property. Boundary details at this location will also damage residential amenity.
- Existing trees have not been integrated into the development.
- Raised site levels and new boundary treatments will impact on the rear gardens of existing houses.
- The County Sigo Childcare Committee made a submission to the appeal, and commented that the area would benefit from a childcare facility if it were proposed.

6.5. Further Responses

6.5.1. Most of the appellants availed of the opportunity to respond to the applicant's response to their grounds of appeal. The appellants disagree with the applicant and oppose the development as articulated in the original grounds of appeal. All of the issues are revisited and are further refined, the appellants are critical of the applicant's responses in all cases. Additional but related matters not covered in the grounds of appeal can be summarised as follows:

- Density of development has not been calculated in accordance with the guidelines, some parts of the layout are more dense than others.
- Bus availability and accessibility is disputed and arguments advanced as to why people are unlikely to use public transport.
- Design speed of 60kph at the site entrance will be unsafe.
- Sewerage services are queried as to appropriate depth of connections.
- Maps detailing other more appropriately zoned lands have been submitted.
- A response to the RSES by the applicant has not been prepared.
- Criticisms levelled at the documentation prepared by the applicant.
- Criticisms levelled at the Board for recirculating material between parties.
- The applicant prepared a Site Specific Flood Risk Assessment to answer the grounds of appeal, this document should have been made available at the outset, to all interested parties.

6.5.2. A further response from the Hilltop Park Residents Association included documentation from the Sligo Neolithic Landscapes Group, it reiterates Archaeological Landscape concerns.

7.0 Oral Hearing Request

7.1.1. I note that an Oral Hearing Request was made by one of the appellants. In this regard I note that by Board Order dated 13 October 2022, this request was declined because sufficient material is to be found on the file.

8.0 Assessment

8.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principal of Development
- Density
- Archaeology
- Residential Amenity
- Visual Amenity
- Traffic and Transport
- Water Services
- Other Matters
- Appropriate Assessment

8.2. Principal of Development

8.2.1. The appeal site is located on lands that are subject to two zoning objectives. A small proportion of the site is located on lands that are zoned RE - Objective: Protect and enhance existing residential amenity. The larger portion of the site is located on lands that are subject to zoning objective R2 – low/medium density residential areas, however, development of this land is limited by Strategic Land Reserve (SLR) policies. Effectively, this means that such land cannot be developed for housing within the lifetime of the statutory plan except in exceptional circumstances. If such circumstances are met, the land release shall be done using the development plan variation procedure.

8.2.2. The majority of appellants are extremely dissatisfied that these lands should be developed and have identified other more suitable sites within the town that are not hampered by SLR restrictions. Despite the formal process under section 34(6) of the Planning and Development Act 2000 (as amended) to materially contravene the development plan, the appellants are critical of the process and reject the outcome.

- 8.2.3. The principal land-use encouraged in residentially zoned areas is housing, subject to policies and objectives to do with residential development outlined in the development plan. However, Variation number 2 of the Core Strategy of the Sligo and Environs Development Plan, caused a constraint to be applied to the appeal site in the form of the Strategic Land Reserve policy. This means that ordinarily, the development of such land is not supported by the statutory plan unless exceptional circumstances can be proven. The planning authority explain that since variation number 2 on the 4 October 2011, the housing situation has changed in Sligo Town and this enabled the planning authority to consider granting permission for the development even though it materially contravened the statutory plan. The planning authority initiated the material contravention process under section 36(4) of the Planning and Development Act 2000 (as amended) and duly issued a notification to grant permission. The documentation that refers to the material contravention process is on file, and I find it all to be in order. Some of the appellants involved themselves in the public consultation process, but do not support the outcome.
- 8.2.4. I find that the planning authority are in a fairly unique position insofar as operating under a development plan that dates back to 2010. This has occurred for a variety of reasons through no fault of the planning authority or local elected members. However, matters have changed since the adoption of the plan and variations to it, that effectively tied up land that could otherwise be developed for residential development. On this occasion, the planning authority advised, and the elected members resolved to remove the SLR constraints for this site and thus the underlying R2 zoning prevails for the development proposed.
- 8.2.5. Though the appellants are dissatisfied with the result of both the planning application and material contravention process, I find that the planning authority have correctly followed the procedures set out in the 2000 Act. As is their right, the elected members, after public consultation, resolved to grant permission for the development as proposed. I have no reason to question local democracy at work and I am satisfied that the development can be assessed in the context of the other grounds of appeal, as if it were proposed on lands not held back by any SLR constraints. In that context, I am satisfied that residential development can be considered on the appeal site, subject to the relevant policies and objectives of the local statutory plan.

8.3. Density

- 8.3.1. Appellants are critical of the scale of development proposed for the appeal site and in particular, criticism is levelled at the residential density of development. The appellants point out that the peripheral location of the site precludes the provision of higher densities because of poor access to public transport, proximity to conservation and archaeological sites, and deficiencies in roads, footpaths and community services.
- 8.3.2. The appeal site is located on the southern periphery of the town, on land that rises up and meets with hilly and rocky agricultural land beyond. The underlying land use zoning for the majority of the lands concerned is objective R2 – low/medium density residential areas. As I have explained in section 8.2 of my report, I am satisfied that this is the correct land use zoning to assess the appropriateness of the development proposed. Section 16.2.1 of the statutory plan for the area states that a residential density of between 20 to 34 dwellings per hectare should be considered and that apartments will normally be permitted. I calculate that the gross residential density of the proposed development would amount to 35 units per hectare (74 units across 2.1 hectares) and this is marginally above the limit of the density envisaged for the area. However, if that portion of land that is subject to RE zoning is removed from the calculation the proposed density would fall below the limit, albeit at the upper range of density allowable by the statutory plan. Nevertheless, the proposed residential density is not out of character with the surroundings and I observe that the existing housing estates to the north and west also fall within this range.
- 8.3.3. Some appellants are concerned about the interface of development at the margins of the site and object to the densities proposed as they relate to the large site format of housing found to the east and south. This is more of a concern about residential amenity issues such as overlooking, overbearing appearance, overshadowing and so on. I assess all of these matters separately under the residential amenity section of my report. However, the function of higher residential densities is that they can strengthen the perception of loss of amenity. In this instance I am satisfied that the residential densities proposed provide a neat transition from the extremely low density to the east and south to suburban edge of Sligo Town.
- 8.3.4. Appellants have listed all of the issues, as they see them, with higher densities at this location and they anticipate that the development will be car dominated and unsustainable. I refer the Board back to consider the land use zoning selected by the

planning authority over 13 years ago for this site, low/medium density residential areas. The proposed development will fit into this category and I note that the Sustainable Residential Development in Urban Areas guidelines advocates the same for this Outer Suburban / 'Greenfield' site. My own observations of the site are that bus stops are located close by to the north, the layout provides two means of pedestrian/cyclist access and this allows for economical and sustainable movement. The development will provide new footpaths along Cairns Road. Shops are located along Pearse Road and Cairns Road, both less than a kilometre away and reachable on foot. Schools are located further afield and the large retail park to the west is more perhaps suited to car journeys. However, overall, I am satisfied that the residential density proposed is in accordance with the statutory plan and in line with national guidance for same.

8.4. Archaeology

- 8.4.1. Appellants are extremely concerned that the archaeology of the site and in particular the archaeological landscape of the area will suffer because of the development. It is mentioned that the Sligo passage tomb landscape has now been added to the tentative list of world heritage sites by UNESCO and submissions on file reiterate the importance of identifying and protecting archaeological landscapes. In this regard I observe a note made by a colleague on file that highlights the location of the site and the archaeological significance of the wider area and the UNESCO tentative listing. The applicant has submitted an Archaeological Assessment of the site augmented by unsolicited further information that tackles the issue of archaeological landscapes. In addition, the applicant's submission from Fado Archaeology rebuts the part that the site plays in any archaeological landscape. The appellants acknowledge these documents but are still critical that the wider landscape is not assessed in terms of impact upon archaeological significance of the area.
- 8.4.2. The planning authority are not concerned that the wider landscape will be impacted upon by the development. A standard condition is attached to ensure that any onsite archaeology is handled in the correct manner and this is acceptable. I note that there was no submission or observation from the Development Applicants Unit of the National Parks and Wildlife Service (NPWS) with responsibility for assessing development applications that might have significant effects on archaeology. However, the NPWS did make an observation in relation to the material

contravention procedure and advised the attachment of standard monitoring conditions. I also note the observations to this appeal from competent persons with an interest or specialism in the field of archaeological landscapes.

- 8.4.3. The subject site is not located on the site of a recorded monument and there is no record of any archaeological finds on site. However, the wider area of the site is punctuated by known archaeological features: SL01818 (Rath) uphill and to the south east, SL01814 (Rath) downhill and located in the Ardcairn housing estate and further west in fields SL01813 (Rath). None of these features are visually notable, being shrouded by mature vegetation, the Archaeological Assessment (Addendum) and the Landscape and Visual Assessment concludes this. From my own observations from within the site and on the roads in the area, unless armed with the appropriate mapping these archaeological features would go unnoticed. I acknowledge the importance of archaeological landscapes and their significance for understanding past societies and cultural practice. In this regard I note observations on file that highlight Carrowmore on the peninsula of Cúil Iorra, and Carrowkeel.
- 8.4.4. The appeal site falls within the peninsula of Cúil Iorra a large complex of sites, but does not form the concentrated centre further west. Nevertheless, the archaeological landscape concept lies much further afield than any single monument. However, in this instance given that the immediate vicinity of the site is already built over by a retail park, suburban housing and large one-off rural housing it is difficult to see what importance in a wider landscape setting the appeal site plays. My conclusion might differ if this were a site in an open rural landscape, beset with above ground monuments even if overgrown with vegetation, an archaeological landscape could be identified and protected. The appeal site is quite the opposite, being a suburban infill site at the edge of Sligo Town. Given the findings of the Archaeological Assessment and Landscape and Visual Assessment prepared by the applicant, I am satisfied that the proposed development will not unduly impact any archaeological landscape, either identified or yet to be identified. The attachment of a condition to manage any archaeological finds on site is sufficient for this site.

8.5. Residential Amenity

- 8.5.1. The proposed development will deliver 74 dwelling units across a gross site area of 2.1 Hectares. This would equate to a residential density of 35 units per hectare.

Appellants have considered that the inclusion of apartment units and consequently a higher density than surrounding development would not be acceptable to them. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is an important consideration. In this context, I note that none of the appellants or observers are strongly critical of the proposed development as it refers to future occupants. I can see that the planning authority applied the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020) and the local statutory plan. With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority raise no issues with regard to the design of the scheme in terms of residential amenity. However, appellants are concerned about the visual impact of certain aspects of the proposed development, namely apartment blocks. In addition, appellants are concerned about overlooking, overshadowing and the possibility of antisocial behaviour that might occur if pedestrian/cyclist linkages are provided. The applicant has submitted a variety of architectural drawings, computer generated images, photomontages and detailed response to each of the grounds of appeal as the refer to residential amenity. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

- 8.5.2. The proposed development has been devised as an extension to the existing suburban character of the area to the west and north; The Hawthorns, Hilltop Park and Ardcairn. Much of the concerned expressed by appellants to the development is the impact it will have on existing residential amenity. Specifically, concerns have been raised from neighbouring development at Hilltop Park, Ardcairn and a number of detached dwellings to the south about the scale and proximity of proposed buildings along the boundaries of the site. The perceived closeness of new houses and apartments raises issues of overlooking, overbearing appearance and overshadowing. There are specific concerns about changes in level, communal open spaces and bin stores associated with the apartments that could cause issues of a noise nuisance. Overall, the planning authority raise no consequential concern with regard to how the development interacts with its neighbours, other than a condition to omit a first floor gable window, condition 2 refers.

8.5.3. A combination of detached, semi-detached and terraced houses are aligned along the eastern, southern, western and part of the northern boundary of the site.

Apartments are located at the entrance to the development, off Cairns Road, but these are two storey in height, with terraces to the front elevation and read as two storey terraced housing. The houses are of a conventional design and comprise one and a half storeys up to two and half storeys in height. Some house types have attic storage/living space and this has raised issues with appellants. In detail the house and apartment types can be described as follows:

- House Type A - four bed, two and half storey, overall height 9.5 metres. Attic floor lit by rooflights.
- House Type B – four bed, two and half storey, overall height 9.5 metres. Attic floor lit by rooflights.
- House Type C - four bed, two and half storey, overall height 9.5 metres. Attic floor lit by rooflights.
- House Type D - three bed, one and half storey, overall height 8.2 metres.
- House Type E - three bed, one and half storey, overall height 8.2 metres.
- House Type F - three bed, one and half storey, overall height 8.2 metres.
- House Type G - three/four bed, two storey, overall height 9.5 metres. Attic floor lit by rooflights.
- House Type H – apartment block, two storey, overall height 8.7 metres.
- House Type J - apartment block, two storey, overall height 8.2 metres.

8.5.4. All of the proposed houses back on to existing boundaries and most house types maintain a separation distance of at least 22 metres and in many cases much more to opposing housing. Apartment blocks H and J maintain at least 22 metres separation distance from the rear of dwellings at Hilltop Park and the apartments are no more than two storeys in height.

8.5.5. House at Tullynagracken North - An appellant has raised an issue with their property and house type B at plots 11-15 on the southern boundary. It is the change in levels, sloping nature of the site and the proximity of plot 12 and 13 that raises the most concern. The appellant disagrees with the applicant's drawings and has produced

their own sketch to illustrate the issue. House type B backs on to the southern boundary of the site, these house types are two and a half storeys and their upper floor is lit by rooflights, overall height will be 9.5 metres. Existing site survey drawing PL-006, section E illustrates the fall in ground levels across the site to the adjacent dwelling, I can see that the degree of slope is slight. From my observations on site, the fall away of the appeal site is noticeable and the roofline of the appellant's property can be seen above the mature hedgerow. I do not think that either the slope or change in level is particularly severe at present. Proposed site sections sheet 2 (drawing PL-008), section E, illustrates that the proposed housing will be built up on a new platform and noticeably slope down to the appellant's property. Section E selects unit 13 to illustrate the severity of difference between the proposed and existing dwelling. However, the appellant reckons that other units should have been used to fully illustrate the impact on their property. I am satisfied that all of the site sections selected by the applicant are representative of the proposed development. I note that dwellings will range from 8.2 to 9.5 metres in height and this is not particularly unusual for suburban housing. The appellant's property is offset from the southern boundary of the site and this provides between 20 and 30 metres of separation distance between their dwelling and plots 12-14. In addition, given the oblique angle between opposing rear elevations I do not anticipate any issues of adverse overlooking and loss of privacy. Finally, with respect to the prospect of overshadowing, I note that the appellant's dwelling lies to the south of the proposed development. That combined with the separation distances involved, I do not anticipate that there will be any significant loss of natural light or any overshadowing.

- 8.5.6. Hilltop Park – housing at Hilltop Park is single storey, some with narrow back gardens and others with longer back gardens. Quite a number of appellants raise issues about the proximity of houses and apartments to their rear gardens and the facilities associated with apartments that will cause a nuisance. The applicant's layout drawings are annotated and describe how the apartments at J will be between 23 and 24 metres from the rear elevations of 7,8 and 9 Hilltop Park. I note that, 7,8 and 9 Hilltop Park have a ground floor return and these are much closer than twenty metres from the rear elevation of the proposed apartments. In my view, the applicant's reckoning is on the possibility of any future dormer extensions that might occur at Hilltop Park and this will leave an acceptable separation distance between

opposing first floor windows. Site section D and E illustrate the difference in levels between proposed housing and existing. Whilst section D seems to show a close relationship between apartments H and J, it should be noted that 7,8 and 9 Hilltop Park have a building line forward of 1-6 Hilltop Park and so I am not concerned about the potential for undue overlooking or overbearing appearance.

- 8.5.7. The applicant has prepared a Daylight and Sunlight Assessment in accordance with the relevant guidelines. The report concentrates on the provision of adequate sunlight/daylight to the proposed apartments and these are met. In relation to the neighbouring properties the report applies the 25 degrees to the horizontal rule and as all properties fall outside of this zone, the need for assessment of vertical sky component is unnecessary, this is acceptable. As for overshadowing, figure 7.3 shows a series of shadow drawings for the spring equinox, an acceptable standard. I can see that no existing dwelling will be overshadowed at this time. This is not an entirely surprising result given the moderate building heights and the separation distances involved between proposed and existing development. I am satisfied that none of the properties at Hilltop Park will be adversely affected by overshadowing.
- 8.5.8. Some residents at Hilltop Park have identified that communal open space and bin stores to the rear of apartment buildings will attract activity and noise. I anticipate that these spaces will be used for the purpose they are intended for, similar to any other private amenity space associated with a conventional dwelling. Twenty four apartments are proposed and it is conceivable that the layout could have accommodated 24 terraced houses with back gardens, the outcome would be the same. In practice, I do not anticipate that a communal amenity space from the sole use of the apartment blocks would attract any greater use than that of a private back garden. In addition, the bin store is located off the boundary and centrally located, it is unlikely to cause a nuisance, properly managed.
- 8.5.9. With reference to the remainder of the site boundaries and existing dwellings, I find that the proposed layout has responded to the existing character of the area by mirroring an already suburban pattern of development. There is some change in level between the existing ground and that of the site, and the overall site slopes across its width. Site section drawings adequately describe the relationship between proposed and existing development, and I see no issues here that I have not already considered. I anticipate no issues of overlooking or overbearing appearance, simply

because adequate separation distances have been provided and the design and scale of that proposed matches that already existing. In addition, the Daylight and Sunlight Assessment prepared by the applicant clearly shows that no property on the boundary of the site will be adversely overshadowed or lose daylight because of the proposed development.

- 8.5.10. I find that there will be no adverse impacts in terms of overlooking and loss of privacy to existing residences and this is due to the separation distances involved and the open context of the site and surrounds. I see no reason to omit side gable windows, as the separation distances are adequate. Neither does overbearing impact become a concern because, along the site's boundaries development has been designed to mirror or marginally expand on what already exists. Site sections and elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without amendment.
- 8.5.11. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, appellants and observers, I am satisfied that the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing houses in the area.

8.6. Visual Amenity

- 8.6.1. Appellants are worried that the visual amenity in the general area will be disrupted because the development of two storey houses and apartments on a prominent site will interfere with views. Some appellants are disappointed that longer range views have not been assessed. The planning authority have not raised any issues to do with visual amenities.
- 8.6.2. The site is not located in a protected landscape and there are no particular landscape designations in the vicinity. The overall area is elevated, but the site is located on lands that slope away from the summit of the hill. Existing housing, mature hedging and trees also border the site and prevent the possibility of seeing the site from key roads in the area, the landscape visual assessment illustrates this.
- 8.6.3. The proposed development is for housing and apartments no taller than two and a half storeys in height, 9.5 metres maximum. I find it unlikely that such low scale development will be particularly prominent, either close up or in the wider area. The

apartment block at the vehicular entrance to the site will be a new feature on the streetscape, but it is no taller than newer development further along Cairns Road as it meets with the countryside beyond. As for concerns about being able to view the development from wider vantage points, any number of viewpoints could have been selected by the applicant to illustrate in their report. However, given the infill nature of the site, I find it unlikely that any real visual impact would result and the lands when built on will merge with the prevailing suburban development.

8.7. Traffic and Transport

- 8.7.1. Traffic, transport and road safety is a primary concern for appellants and observers alike. In their opinion the site is remote from any facilities and future residents will rely on cars to avail of services such as schools, shops and other amenities. Pedestrian and cyclist facilities in the area are not up to standard and multiple entrances along Cairns Road will result in traffic congestion and possible accidents. Bus services in the area are infrequent and there are no useful links to employment locations or the town centre. Finally, a resident at Ardcairn is concerned about the provision of a pedestrian and cyclist connection between the development across from their front garden. The planning authority have not raised any specific concerns with regard to traffic and transport issues and have attached standard and technical conditions to ensure an agreed standard of development, conditions 4, 5, 6, 7, 9, 11 and 27 all refer.
- 8.7.2. The proposed development will provide a vehicular entrance onto Cairns Road and all of the accompanying public realm assets such as footpaths, verges and planting will be provided. The proposed landscape design layout adequately illustrates the overall strategy, including trees to be retained. Proposed road layout drawings show the relevant widths, lengths and geometry, are all in accordance with the requirements of the Design Manual for Roads and Streets.
- 8.7.3. I am satisfied that the applicant has fully considered the traffic assessment component of the proposed development and that adequate measures have either been taken to minimise any impact or measures proposed to address any issues. It should be noted that an additional pedestrian and cyclist connection is proposed with Ardcairn to the north. The quantum of development now proposed is in line with other developments in the vicinity and I am satisfied that a modal shift away from

private motor car usage can be achieved on this well connected and accessible site. Employment, education, leisure, retail facilities and a bus service are all within walking and cycling distance of this site and I anticipate less reliance on private motor car usage. This conclusion is also reached by the Traffic and Transport Assessment prepared by the applicant.

8.7.4. The proposed development will provide a logical and usable internal street, footpath and cycleway network. A key element of which is a radial cycle path that will link into existing streets at Ardcairn to the north and Cairns Road to the East. I note the opposition to the connection northwards at Ardcairn, but the drawings show no intention at a future vehicular connection and the provision of soft transport links (pedestrian and cyclist) is entirely appropriate. This connection will not be open to motorised vehicles but will instead allow walkers and cyclist to avail of existing streets and footpaths in neighbouring housing estates. I note that local residents have concerns that the volume of new pedestrians and cyclists will pose a traffic hazard and bring antisocial behaviour. The planning authority do not share this concern. Having observed the local street environment, I can see the advantages of shorter journeys for pedestrians/cyclists from the site to local services and bus networks. The proposed connection points at the northern and eastern sides of the site are well designed and will be overlooked by existing and proposed houses. I do not anticipate that antisocial behaviour will be problem at these new linkage points. In terms of traffic hazard as a result of more walkers and cyclists, the planning authority nor I share this concern. The streets and footpaths of the neighbouring estates were designed and built to the design standards at the time and I note that no accidents have been recorded for any of these locations. Further north at Markievicz Heights, minor accidents have been recorded but not to the extent that would cause undue concern. I am satisfied that the existing street network is safe and can safely sustain an increase in footfall and local streets can accommodate cyclists. All of which would add greatly to more sustainable forms of transport.

8.7.5. The applicant states that the development plan standards for car parking spaces have been provided and the planning authority agree. I can see from the layout drawings that most house types have at least two in curtilage spaces and that shared car parking areas serve other dwellings. This could result in a car parking dominated streetscape, however, the landscape plans show numerous street trees,

pocket parks and grassed build outs and this is acceptable. All car parking is at surface level and within the curtilage of most houses where required. The shared car parking areas around the apartment blocks are well broken up in order to avoid large areas of hardstanding and car parking dominance and this is acceptable. The dwelling houses have ample space for cycle storage and some dwellings are provided with large gardens that could accommodate a garage. I am satisfied that a sufficient number of car parking spaces have been provided and that the provision of useful and direct pedestrian/cyclist links will encourage more sustainable travelling patterns.

8.7.6. Traffic and Transport Conclusion - The proposed development is located at a well-served suburban location not far from a variety of amenities and facilities, such as, playing pitches and local shops. Sligo Retail Park is also located close by. Current public transport options are limited to a local bus service but future plans and investment would be encouraged by the density of development proposed. The proposed development will add significant improvements to the public realm along Cairns Road. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport.

8.8. Water Services

8.8.1. Appellants fear that water supply and water pressure will be adversely impacted upon by the increased demand necessitated by the development. Some appellants note that the Irish Water pre-submission enquiry referred to 60 units not 74. At the outset, I note that Irish Water have confirmed that both water supply and wastewater connections are feasible without infrastructure upgrade by Irish Water, their correspondence dated 11 February 2022 refers. I note that an appellant questions the validity of the Irish Water submission, when it refers to 60 units not the 74 units applied for. However, I am satisfied that the considerations undertaken by Irish Water with reference to supply and waste are applicable to a multi unit scheme such as described by the applicant and that there is only a marginal difference between serving 60 units and 74 units.

- 8.8.2. The Civil Design Report submitted by the applicant and prepared by Jennings O'Donovan and Partners Consulting Engineers states that the foul system will be facilitated by a discharge by gravity to the existing foul network at Ardcairn. Gradients are as per Site Development Works For Housing Areas and the design has been prepared in accordance with the Irish Water standards. With regard to potable water, the report states a water main is being provided to connect to the existing Irish Water infrastructure on the Cairns Road. Drawings submitted by the applicant all confirm these details and they are acceptable subject to the detailed requirements of Irish Water.
- 8.8.3. Surface Water Management - The applicant states that the surface water management strategy took account of a number of factors including: site factors, local infrastructure, local authority preferences, flood risk, sustainable drainage systems (SuDS) and ground conditions. The site is located on Flood Zone C and the applicant prepared a Flood Risk Assessment that concludes no risk of flooding on or off site. Surface water will be directed via bypass separators to soakaways (designed in accordance with BRE Digest 365) located in open spaces and designed to withstand 1-100 year storm event. Appellants are concerned that the proposed development could impact upon localised flooding due to the changes in levels between properties. However, I am satisfied that the detailed surface water design submitted by the applicant addresses these matters and surface water from each unit, streets/footpaths will be effectively directed to on site soakaways located in open spaces, this is acceptable. In addition, I am satisfied that the technical requirements required by the planning authority, in line with national standards in relation to the design and construction of surface water management systems can be addressed by an appropriately worded condition.
- 8.8.4. The planning authority concur with the surface water and flood risk strategy proposed by the applicant. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. IW have stated that the proposed water and wastewater connections for this development to connect to the Irish Water network is via existing infrastructure and is feasible without upgrades. I am satisfied that there are no

significant water services issues that cannot be addressed by an appropriate condition.

8.9. Other Matters

- 8.9.1. Climate Change - Appellants are concerned that the development fails to take account of climate change and carbon emissions. In this respect, I note that an Energy Statement has been submitted by the applicant. The report sets out national requirements and standards for energy efficiency and homes, primarily compliance with Part L 2021 regulations (Nearly Zero Energy Buildings). The strategies for compliance and to be included in the proposed dwellings are listed on page 17 of the report. I find these to be acceptable. In overall terms, the lands are located on a serviced and zoned suburban site, close to amenities and services. Pedestrian and cyclist connections are well considered and should encourage a move away from private car use, bus services are close by too. I find that the environmental sustainability credentials of the proposed development to be in line with national policies and requirements for housing located in a built up area, such as Sligo town.
- 8.9.2. Electricity Supply - An appellant is concerned that electricity supply will be interrupted due to power outages and increased demand will not help matters. I note that a submission or observation has not been received from any company or entirety with responsibility for electricity supply/distribution, to underline the concerns raised by the appellant with regard to energy supply. I have no reason to consider that electricity supply will be affected by a development that is required to follow any rules or regulations set down independently of the planning process with regard to connection to the electricity network.
- 8.9.3. Viability of Sligo Town – An appellant has concerns that the development will diminish the attractiveness of the town centre and so go against the Towns First policy of the Council. This is not an issue that has been raised by either the planning authority or the Elected Members when they considered a material contravention to the development plan by granting permission. In my view, the proposed development will provide housing accommodation for future occupants within the suburbs of Sligo Town, building on critical mass and supporting the overall viability of the town.
- 8.9.4. Planning Application Validity – An appellant questions the address of the proposed development, that it is incorrect and misleading, should be Cairns Hill, not Cairns

Road. I note that the planning authority accepted and validated the planning application, no issues were raised in relation to the address given. I also note that numerous submissions from third parties were received by the planning authority and ultimately an appeal has been lodged with the Board, the purpose of the public notices has been fulfilled. From my own perspective, I note that Cairns Hill and Cairns Road are used interchangeably by local residents, the planning authority and the applicant. No further action is required with respect to the address given for the location of the proposed development.

8.9.5. Local Services – An appellant has concerns that the capacity of local schools and creches to accommodate any more children is limited, the proposed housing will add to problems. I note that the Childcare Guidelines 2001 require the consideration of a Childcare Facility per 75 Dwellings in New Housing Areas. The applicant has not proposed to construct such a facility. The County Sigo Childcare Committee made a submission to the appeal, and commented that the area would benefit from a childcare facility if it were proposed. The planning authority note that there is no requirement to provide a childcare facility in this instance, I concur. I note that the lands have been zoned for medium density housing development for some time. In addition, there are specific locations nearby that are zoned for neighbourhood facilities such as doctor's surgeries, childcare facilities and other amenities. I am satisfied that there are locations in the vicinity that can accommodate the type and form of development required by a local increase in population that has been planned for and addressed by the statutory plan for the area.

8.9.6. Ecology/wildlife – An appellant is critical of the approach of the applicant to local wildlife and biodiversity. In particular the existence of Kestrel in the vicinity has not been identified or addressed by the any of the reports prepared by the applicant. The applicant has prepared a number of reports that address the environment, including: an Environmental Impact Assessment Screening Report, Ecological Impact Assessment Report (EIAR), an AA Screening Report and Natura Impact Statement. I have had regard to all these reports and studies. In addition, I note the submission received by the planning authority from the NPWS (Nature Conservation and dated April 2022) with respect to the provisions of a section 36(4) of the Planning and Development Act 2000 (as amended) material contravention procedure. The submission references retention of hedgerows, lighting, biodiversity net gains, nature

based water management and invasive alien species, measures to control and manage all these features are mentioned. Kestrel has not appeared in any bird surveys submitted. I did not observe any Kestrel on the day of my site visit. I acknowledge that Kestrel may be active in the vicinity of the site, however, I am satisfied that with the retention of hedgerows, the measures outlined in the Ecological Impact Assessment Report (EIAR), and the implementation of the landscape plan that the range and loss of potential habitat for Kestrel will be marginal in the context of this serviced suburban infill site.

8.10. **Appropriate Assessment**

8.11. Introduction

8.11.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) and Appropriate Assessment Screening (appendix 1 of the NIS) prepared by MKO Planning and Environmental Consultants, dated March 2022 and submitted with the application. It is stated that field assessments were undertaken by Rudraksh Gupta (B.Sc., M.Sc.) and Cathal Bergin (B.Sc., M.Sc.) and the report completed by Rudraksh Gupta and Patrick Ellison (B.Sc., M.Sc. ACIEEM) and reviewed by John Hynes (B.Sc. (Env), M.Sc. (Ecology), MCIEEM). I have had regard to the submissions of observers in relation to the potential impacts on Natura 2000 sites. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

8.12. The Project and Its Characteristics

8.12.1. The detailed description of the proposed development can be found in section 2.0 above.

8.13. Submissions and Observations

8.13.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in section 3.2 and 6 above. Appellants have queried

why no analysis was made of indirect hydrological connections between the site and Lough Gill SAC, this is seen as a flaw. I note that the planning application was referred to a number of statutory consultees, including the National Parks and Wildlife Services. With specific reference to appropriate assessment matters, I note that the National Parks and Wildlife Services did not make a submission to the initial planning application. However, a submission was received by the planning authority from the NPWS (Nature Conservation and dated April 2022) with respect to the provisions of a section 36(4) of the Planning and Development Act 2000 (as amended) material contravention procedure. The submission references retention of hedgerows, lighting, biodiversity net gains, nature based water management and invasive alien species, measures to control and manage all these features are mentioned. The outcome of the AA Screening or recommendations suggested by the NIS are not referenced. I have had regard to the submission made by the NPWS as it relates to nature conservation and Appropriate Assessment.

8.14. The European Sites Likely to be Affected (Stage I Screening)

8.14.1. A summary of European Sites that are considered to be within a zone of influence of the site is presented in *Identification of Relevant European Sites* section of the applicant's AA Screening Report. The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing low to medium density residential development and open countryside beyond. The site comprises a combination of managed agricultural land and a cottage with hardstanding and sheds. I have had regard to the submitted Appropriate Assessment screening section of the applicant's report that identifies a likely zone of impact of the proposed development that includes the following sites: Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Union Wood SAC (000638), Unshin River SAC (001898), Ben Bulbin, Gleniff and Glenade Complex SAC (000623), Cummeen Strand SPA (004035), Ballysadare Bay SPA (004129), Sligo/Leitrim Uplands SPA (004187), Drumcliff Bay SPA (004013), and, Ballintemple and Ballygilgan SPA (004234). In addition, the applicant's report identifies a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects, table 3.1 refers. These are all listed below with approximate distances to the application site indicated:

Site code	Site name	Distance from the site
001976	Lough Gill SAC	1.2km
000627	Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC	2.3km
000622	Ballysadare Bay SAC	4km
004035	Cummeen Strand SPA	2.7km
004129	Ballysadare Bay SPA	4km

8.14.2. In addition, the AA screening section of the document outlines through figure 3.1, the geographical spread of sites and proximity to the subject site.

8.14.3. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

8.14.4. I concur with the conclusions of the applicant's screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects are the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), Ballysadare Bay SPA (004129) as a result of being in the same groundwater catchment, there is a potential indirect hydrological pathway, and potential for deterioration of water quality.

8.14.5. Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives. As such, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with

other plans or projects would not be likely to have a significant effect on six European Sites as follows:

- Union Wood SAC (000638)
- Unshin River SAC (001898)
- Ben Bulbin, Gleniff and Glenade Complex SAC (000623)
- Sligo/Leitrim Uplands SPA (004187)
- Drumcliff Bay SPA (004013)
- Ballintemple and Ballygilgan SPA (004234)

8.14.6. The qualifying interests of the five Natura 2000 Sites considered are listed below:

Table of European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
<p>Lough Gill SAC</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	<p>1.2km</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p>

		<p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	2.3km	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>
<p>Ballysadare Bay SAC</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	4km	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p>

		Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Phoca vitulina (Harbour Seal) [1365]
Cummeen Strand SPA To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.	2.7km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]
Ballysadare Bay SPA To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.	4km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Grey Plover (Pluvialis squatarola) [A141] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]

8.14.7. The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration, also note Table 3.1 contained within the applicant's screening report.

8.15. Potential Effects on Designated Sites

8.15.1. It is stated by the applicant that the proposed development shares the groundwater catchment of the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129). As a result of being in the same groundwater catchment there is a potential indirect hydrological pathway, and potential for deterioration of water quality.

8.15.2. The applicant has stated that it cannot be concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and

in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129). As a result, it is recommended to the competent authority that an Appropriate Assessment is required, and a Natura Impact Statement has been prepared in respect of the proposed development.

8.15.3. In this instance the SuDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. However, the applicant makes the point that although no watercourses were identified on-site, in the absence of appropriate mitigation and following the precautionary principle, the construction and operation of the proposed development has the potential to result in pollution to groundwaters and a potential hydrological connectivity was identified between the proposed development and downstream SPAs/SACs. A potential pathway for indirect effects on the aquatic QIs of the SAC and SCI 'wetland and waterbirds' as a result of deterioration in surface water quality resulting from pollution associated with the construction and operational activities was identified. It is stated that mitigation measures will be required to ensure that water quality is maintained prior to discharge to groundwater. Thus, as a result of these measures, the risk to water quality during the construction phase on the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129) should be considered, other sites can be excluded because of the separation distances involved, lack of direct connections and any dilution factors that might arise. According to the applicant, as extensive works are planned, following a precautionary approach, the potential for large quantities of silt or other construction pollutants to be washed downstream means that significant effects to the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129) cannot be ruled out.

8.15.4. Appellants state that proper consideration of designated sites has not taken place in either the screening report or NIS. In this regard I refer to the previous sections of my report and those submitted by the applicant, and I am satisfied that all the relevant designated sites were selected for analysis. The AA screening report has identified the potential for impacts during the construction and operational phase of the development.

8.16. Consideration of Impacts:

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage, after passing through Sustainable Urban Drainage Systems (SuDS), all stormwater generated onsite will be managed on-site through infiltration. The surface water pathway creates the potential for an interrupted connection between the site and the Lough Gill groundwater catchment and a distant hydrological connection between the proposed development and European sites at Sligo Bay.
- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will infiltrate to groundwater. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain

satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Lough Gill groundwater catchment and Sligo Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Sligo Bay (dilution factor).

- In terms of in combination impacts other projects within the Sligo area which can influence conditions in the Lough Gill and Sligo Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

8.16.1. Surface water from the proposed development will pass through a range of SuDS features. Waters from roofs and paving and all other surface water will be attenuated in underground attenuation tanks before discharge through infiltration. All surface waters will pass through a hydrocarbon interceptor before discharge (See 'Civil Design Report' and drawings by Jennings O'Donovan and Partners Limited Consulting Engineers and for construction stage see 'Construction and Demolition Waste Plan').

8.16.2. These waters will ultimately drain to Lough Gill groundwater catchment, and Sligo Bay via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.

8.16.3. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system and groundwater catchment system to those Natura 2000 sites. They are not required for the purpose of mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a greenfield/edge of

urban site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129), Stage II AA is not required.

8.16.4. I note the applicant submitted a Natura Impact Statement, in their own words 'on a precautionary basis'. In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of caution and is unwarranted given the nature and scale of development proposed and the receiving urban environment.

8.17. AA Screening Conclusion:

8.17.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites either located within the same groundwater catchment or located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

8.17.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lough Gill SAC (001976), Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), Ballysadare Bay SAC (000622), Cummeen Strand SPA (004035), and Ballysadare Bay SPA (004129), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In

reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

9.0 Recommendation

- 9.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the 'RE – Existing residential areas and R2 – Low/medium density residential areas and SLR – Strategic Land Reserve' zoning for the area, the provisions of the Sligo County Development Plan 2017-2023, and the resolution of the Elected Members of Sligo County Council dated 4 July 2022, carried, and signed by the Cathaoirleach to materially contravene the Sligo County Development Plan 2017-2023 in respect of PL22/97, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The pedestrian path connecting the site to lands to the north at Ardcairn shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

Reason: In the interest of amenity and the proper planning and sustainable development of the area.

3. All mitigation and monitoring measures outlined in the plans and particulars, including the Construction and Demolition Management Plan and Ecological Impact Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

7. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interests of public health.

9. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. (a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces, and measures for the protection of trees and hedgerows

within and adjoining the site shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity.

11. The following requirements in terms of traffic, transportation and mobility shall be incorporated into the development and where required, revised plans and particulars demonstrating compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The details and the extent of all road markings and signage requirements on surrounding roads, shall be submitted to the Planning Authority for approval prior to the commencement of development.
- (b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings and car parking bays shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (d) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (e) The materials used on roads and footpaths shall comply with the detailed standards of the planning authority for such road works.
- (f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park areas shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

14. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

a) Location of the site and materials compounds including areas identified for the storage of construction refuse.

b) Location of areas for construction site offices and staff facilities.

c) Details of site security fencing and hoardings.

d) Details of on-site car parking facilities for site workers during construction.

e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

f) Measures to obviate queuing of construction traffic on the adjoining road network.

g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

Reason: In the interest of amenities, public health and safety.

17. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

Reason: In the interest of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7)

applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. Prior to the commencement of any own door apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each own-door unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts such own door units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

29 June 2023