



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319116-24

<b>Development</b>	Change of use from coal yard to recycling facility.
<b>Location</b>	Deepwater Quay, Sligo, Co. Sligo.
<b>Planning Authority</b>	Sligo County Council.
<b>Planning Authority Reg. Ref.</b>	2360189.
<b>Applicant(s)</b>	Barna Recycling.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Beauparc HQ.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 December 2024.
<b>Inspector</b>	Stephen Rhys Thomas.

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located at Deepwater Quay, alongside the Garavogue River/Estuary, in the port area to the north west side of Sligo town centre. The immediate surroundings are characterised by a range of commercial and industrial uses, including offices, warehousing, trade retailers and enterprise units. The site is stated to measure 1.42 Hectares in area and accommodates a large yard area and warehouse type sheds and other ancillary buildings. The site is flat and level with the public roads to the north and south. The main entrance opens out onto Deepwater Quay to the north east and a secondary access point is located to the south west of the site at Finisklin Road. The site is vacant at present but was in use as a coal and other fuel storage yard, other uses in the area include a Civic Amenity Centre, trade filling station, warehouses and a DIY retail premises.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises a change of use from coal yard to recycling facility on a site of 1.42 Hectares, the detail is as follows:
- Demolition of an existing storage building (287sqm)
  - Construction of a proposed recycling facility of 1,124sqm floorspace to include: a maintenance shed (287sqm), 3 storage containers (3 x 26.5sqm),
  - Skip storage areas,
  - 15 car parking spaces including one EV charging space and one accessible parking space, eight truck parking spaces, covered bicycle stand for five bicycles,
  - Weighbridge and associated weighbridge office,
  - Security fencing on part of northwestern boundary.
- 2.2. The waste recycling activities include:
- Sorting and packaging of recyclable materials.
  - Reception of recyclable and skip materials, within the proposed recycling building.

- All waste received will be segregated inside the building.
- All material will be sorted into separate recycling categories and packaged as appropriate for onward distribution.
- All waste entering and leaving the site will be weighed and recorded appropriately.
- All waste will be visually inspected and any non- recyclables will be appropriately intercepted and recovered
- The annual tonnage will be less than 24,336 per annum

2.3. Further Information was submitted (24 November 2023), items included:

- Updated NIS that included information regarding fire risk and fire water management during the operational phase, section 6.12 and 9.4 of the NIS refer.
- Updated Appropriate Assessment Screening Report, section 3.2.1 table 7.1, 7.2 and section 8.0 all refer.
- Construction & Environmental Management Plan
- Civil Engineering Report and drainage drawings
- Preliminary Fire Risk Assessment

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority issued a notification to grant permission, subject to 15 conditions.

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

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

The basis of the planning authority decision, is as follows:

Planning Report 1

- NIS further information required. No EIAR required.
- Acceptable use in the PF zoning.
- No visual or residential amenity impacts.
- Flood Risk noted.
- Noise impacts noted.
- Traffic report noted, further information required.

In accordance with the Planner's recommendation further information was requested.

#### Planning Report 2

- NIS acceptable, EIAR not required.
- All other items of further information adequately responded to, conditions recommended.

In accordance with the Planner's recommendation a notification to grant permission issued.

#### 3.2.2. Other Technical Reports

- Environmental Services – no objections.
- Waste Management - no objections.
- Area Engineer - no objections.
- Fire Officer - no objections.
- Roads and Transportation Section - no objections.

#### 3.2.3. Conditions - The planning authority attached 15 conditions to the notification to grant permission, the majority of conditions are standard and technical in nature, the following bespoke conditions are noted:

12. Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority the following:

(a) Road construction tie-in details including exact alignment with the existing road surface at the entrance to the proposed development

(b) A photographic road condition survey on the adjacent public footways and roadways.

Reason: In the interests of orderly development and road safety

15. The applicant shall pay the sum of €16,849 (sixteen thousand, eight hundred and forty nine Euro) to Sligo County Council as a contribution towards expenditure that was or that is proposed to be incurred by the Local Authority in respect of public infrastructure and facilities benefiting development in the area of the Local Authority, as provided for in the current (2018) Development Contribution Scheme in the County of Sligo made in accordance with Section 48 of the Planning & Development Act, 2000 (as amended).

- 40% roads and public infrastructure €6,740

- 60% General recreational and community facilities and amenities €10,109

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority that is or will be provided by or on behalf of the County Council.

### **3.3. Prescribed Bodies**

- 3.3.1. Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) – all mitigation measures outlined in the Natura Impact Statement (NIS) accompanying this application should be fully incorporated as conditions of any such permission.

### **3.4. Third Party Observations**

- 3.4.1. A single submission of objection, summarised as follows:
- An EIAR should have accompanied the application.
  - An intake tonnage is not mentioned at all in the Natura Impact Assessment.
  - The NIS did not assess the potential for fire and fire water management during the operational phase.

## 4.0 Planning History

### 4.1. Site

PD3842 - Permission to retain existing use for solid fuel storage and permission to provide dust suppression system to yard. June 1995

### 4.2. The vicinity

17243 - Greenstar - Development consisting of an increase in the amount of waste accepted annually from 25,000 tonnes to 50,000 tonnes; the acceptance of commercial and domestic non-hazardous wastes; the acceptance of household hazardous waste at the civic amenity area and commercial hazardous waste in the transfer building; the provision of additional waste receptacles in the civic amenity area and three secure hazards. August 2017. EIAR submitted with application.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The **Sligo County Development Plan 2024-2030** was made by the Elected Members of Sligo County Council on 30 September 2024, in accordance with the provisions of Section 12(10) of the Planning and Development Act 2000 (as amended). The Sligo CDP 2024-2030 is effective starting on 11 November 2024, except for those parts of the Plan which are subject to a Draft Ministerial Direction.
- 5.1.2. Sligo County Council is required to prepare a Local Area Plan for Sligo and Environs area, which has a population above the 5,000-person threshold specified in the Planning and Development Act 2000 (as amended). The main strategic policies for Sligo's urban area (e.g. zoning and housing targets) are included as key elements of the CDP.
- 5.1.3. While the zoning and strategic provisions for County Sligo's main urban centre will be included in new development plan, the detailed policies, objectives and specific development standards regarding urban regeneration, mobility, design, community facilities, open space, recreation etc. will form part of the future Sligo and Environs Local Area Plan.



- 5.1.4. Given the foregoing, the site is located on lands subject to zoning objective TU – transport and utilities infrastructure. Waste recycling depot is a use not normally permitted in the TU zoning objective, that seeks to facilitate the provision and improvement/upgrading of transport-related infrastructure and essential services/utilities such as power supply, telecommunications, gas infrastructure, waste facilities, water supply, wastewater treatment etc. This zoning objective combines the elements of previous CDP objectives “TPN” (Transport and Parking Nodes) and “PU” (Public Utilities).

## Chapter 33. Development management standards

### 33.2.8 Waste management

Sligo County Council supports the sustainable management of waste and seeks to enable a significant reduction in the production of waste in County Sligo, in line with the principles of the Waste Action Plan for a Circular Economy (DECC, 2021). The identification and provision of facilities for the reception of C&D waste should be integrated into the project planning and design processes. In order to ensure that this occurs, conditions will be included in the permissions granted to particular developments, requiring resource and waste management plans be drawn up prior to the commencement of the development. These plans will be subject to approval by the Planning Authority and will include site inspections to ensure that all wastes generated during development are being handled in an environmentally-sound and sustainable manner. The plans must be prepared and carried out in accordance with the EPA’s Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction & Demolition Projects (2021). The Council will continue to fulfil its duties under the Waste Management (certification of historic unlicensed waste disposal and recovery activity) Regulations 2008 (S.I. No 524 of 2008), including those in relation to the identification and registration of closed landfills.

## 5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura sites are the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA, both located 35 metres to the north east, appendix 3

and 4 of my report refers. A Natura Impact Statement (NIS) was submitted with the application.

- 5.2.2. Proposed Natural Heritage Areas: Cummeen Strand/Drumcliff Bay (Sligo Bay) is located to the east.

## **6.0 Environmental Impact Assessment (EIA) Screening**

### **6.1. Introduction**

- 6.1.1. The applicant prepared a document entitled 'Environmental Impact Assessment (EIA) Screening Statement', prepared by a technical team of suitably qualified and competent persons and updated to take account of cumulative impacts, dated July 2025. The report states that the criteria as set out in Schedule 7 of the Regulations have been assessed, it is based on relevant information received and as set out in Schedule 7A. The EIA Screening report concludes that the proposed development will not be likely to have significant effects on the environment. The planning authority carried out an EIA Screening Determination and concluded that an Environmental Impact Assessment Report (EIAR) is not required. Appendix 1 and appendix 2 of my report all refer, my EIA Screening conclusion is as follows:

- 6.1.2. Having regard to:

1. the criteria set out in Schedule 7, in particular

(a) the nature and scale of the proposed waste recycling depot development, in an established industrial/commercial area served by public infrastructure

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant:

- EIA Screening Report (updated July 2025)
- AA Screening Report (updated November 2023),

- Natura Impact Statement (updated November 2023)
- Preliminary Construction Environmental and Demolition Waste Management Plan
- Construction & Environmental Management Plan
- Civil Engineering Report and drainage drawings
- Preliminary Fire Risk Assessment
- Noise Assessment Report
- Bat Roost Inspection Report
- Traffic Report (updated July 2025)

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposal with respect to fire risk.

- 6.1.3. The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. A third party has appealed the decision of the planning authority to issue a notification to grant permission. In broad terms the appellant is of the view that an Environmental Impact Assessment Report (EIAR) should have been prepared to satisfy the precautionary approach principle and that cumulative impacts have not been satisfactorily considered, the grounds of appeal is summarised as follows:

- Precautionary Approach – an EIAR should have been prepared based on the precautionary approach principle.

Schedule 2 Part 5 installations for the disposal of waste equal or greater than 25,000 tonnes EIA is required. As the proposed development will accept 24,999 tonnes, this is close to the required threshold and an EIA Screening

Report does not examine in detail the required information for such a project. Given the site location so close to a designated site, EIA is required. The notification to grant permission does not include a condition that limits intake to 24,999 tonnes when such a condition is entirely necessary.

- Cumulative Impacts – in combination effects have not been considered at all with regard to EIA or AA, a recycling centre with permission to accept up to 50,000 tonnes is located close by to the north of the site and is currently in operation. The combination of up to 75,000 tonnes of waste consolidated at these locations should have been examined in detail, in terms of traffic, human health, accidents, fire, etc.

## **7.2. Applicant Response**

7.2.1. A response to the grounds of appeal has been prepared by the applicant and can be summarised as follows:

- Emphasis is placed on the planning authority's own assessment of EIA screening, the conclusions of which support the documentation submitted with the application.
- Tonnage will be 24,336 tonnes per annum, this is below the relevant threshold.
- There is no class for recycling facilities under Part 1 of Schedule 5. Under Schedule 5 Part 2 classes and thresholds are set out, the closest class would be item 11(b) Other projects - installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. The tonnage is well below the threshold and so no EIAR is required.
- All other matters to do with the proposed development were considered acceptable to the planning authority.
- Because the development does not exceed any set thresholds (EIA) no cumulative impact assessment is required. A Schedule 7A report was prepared as required and the planning authority identified no adverse issues.

- The proposed development is a green initiative for a vacant industrial site, will provide jobs and support recycling targets.

### 7.3. **Planning Authority Response**

- 7.3.1. No new information has been raised in the grounds of appeal, previous reports of the planning authority refer, and permission should be granted. The proposed development complies with the requirements of the Sligo County Development Plan 2017-2023 as amended and the Sligo and Environs Development Plan 2010-2016.

### 7.4. **Observations Re-advertisement - Revised Natura Impact Statement**

- 7.4.1. By correspondence dated 15<sup>th</sup> April 2024, the applicant was instructed to advertise the proposed development with respect to the submission of an updated NIS. The applicant duly re-advertised the proposed development, and confirmed same by correspondence dated 2<sup>nd</sup> May 2024.
- 7.4.2. **Appellant Response** – the appellant disputes whether the Board are entitled to require the re-advertisement as this is a function for the planning authority, in this case Sligo County Council. Section 142(4) of the 2000 Act only allows the Board to require public notices on account of new material submitted at appeal stage. Significant information received should have been advertised at the response to further information stage with the planning authority, the planning application must be invalidated, article 26(3)(b) of the 2001 Regulations refers.
- 7.4.3. Notwithstanding the inappropriateness of readvertisement in this instance, the appellant reiterates their original grounds of appeal.

### 7.5. **Response to Further Information**

- 7.5.1. By correspondence dated 25<sup>th</sup> May 2025, the applicant, planning authority and appellant were invited to comment on the change of land use zoning for the appeal site. Separately, the applicant was requested to consider in greater detail the matter of cumulative impacts and EIA screening.
- 7.5.2. **Applicant**

An updated EIA Screening Report reflects in-combination impacts and the nearby recycling centre, table 1 of the updated report refers. No impacts, no EIAR required.

Assessment includes all updated further information documentation and the change in land use zoning to TU, the zoning includes for waste facilities and a refuse transfer centre is open for consideration.

Special Circumstances include – the proposed development is in keeping with its surroundings, the development is consistent with the waste management strategy of the CDP (section 3.3.28 refers) and is consistent with the planning and sustainable development of the area.

Cumulative impacts are considered and traffic is considered to be a minor impact, taken together with similar facilities locally.

Other permitted developments are considered and ruled out with reference to cumulative impacts.

#### **7.5.3. Planning Authority**

Waste Facilities are a use in line with the TU zoning objective, and accord with the previous TPN and PU objectives.

Waste Recycling Depot and the zoning matrix is noted but refuse transfer centre is open for consideration.

#### **7.5.4. Appellant**

The site is located on lands zoned TU, 'waste recycling depot' is not normally permitted. A 'not normally permitted' development is not entertained by the planning authority except in special circumstances. No special circumstances have been met, permission should be refused.

### **7.6. Response to Circulation of Further Information**

- 7.6.1. By correspondence dated 27<sup>th</sup> August 2025, the applicant, planning authority and appellant were invited to comment on further submissions to the appeal. Further cross circulation of all submissions received was considered unnecessary, each party lodged a submission, summarised as follows:

#### **7.6.2. Applicant**

Previous submission of 18<sup>th</sup> June 2025 refers.

Recycling Facility can be considered at this location.

TU zoning allows for the proposed essential development, a waste facility.

A Refuse Transfer Centre is a use normally permitted in the TU zoning.

The Special Circumstances that would allow for a Waste Recycling Depot are set out as per the previous submission dated 18<sup>th</sup> June 2025 and include:

- The development would result in an imperceptible effect on the on the pattern of use of the area.
- The development is consistent with the provisions of section 33.2.8 of the development plan with respect to waste management and the circular economy.
- The development would not adversely affect the amenities of the area and be in accordance with the proper planning and sustainable development of the area.

Lastly, it should be noted that the planning authority concur with the view that the land use zoning objective TU, that allows for the development proposed.

#### **7.6.3. Planning Authority**

No further comments, the submission of the 23<sup>rd</sup> June 2025 refers.

#### **7.6.4. Appellant**

The proposed development is still not compatible with the land use zoning.

The development requires EIA and the preparation of an EIAR due to the cumulative impacts that will arise.

Description of development, recycling centre or waste transfer centre, have been purposefully confused.

Cumulative impacts have not been addressed, despite repeated submissions.

Development description altered in order to avoid EIA.

In detail the appellant states that: the description of development has changed and will now accept general waste for sorting and this would not accord with the land use

zoning. The impacts of such an activity (odour) have not been addressed. Aside from traffic which has been briefly addressed, other environmental matters have not. The appellant's facility processes 50,000 tonnes annually and the cumulative impacts have just not been addressed. It is likely that the 25,000 tonnes annual intake will be exceeded by the applicant.

The appeal process is not a means for amending the description of a development and avoiding EIA, permission should be refused.



## 8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal, and the matter of the land use zoning that has transpired since the appeal was lodged. The planning authority issued a notification to grant permission and the appellant objects on the grounds that an EIAR should have been submitted with the application. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Environmental Impact Assessment (EIA)
- Procedural Matters
- Conditions

### 8.2. **Principle of Development**

8.2.1. The applicant proposes to change the use of a former coal depot and storage yard to a recycling facility; this will provide employment and a sustainable use for the site. The applicant describes the development as a recycling facility and the lands are situated on the TU zoning objective – transport and utilities infrastructure of the current plan. There are two land use types listed at section 10.5.4 of the current development plan zoning matrix that may refer, as follows: refuse transfer centre and waste recycling depot. A refuse transfer centre is a use type that is normally permitted, and waste recycling depot is use type that is not normally permitted on lands zoned TU.

8.2.2. The Planner's Report dated September 2023, states that waste recycling depot is open for consideration, and this was in the context of the Sligo and Environs Development Plan 2010 – 2016 where the zoning objective PF – port facilities and related uses referred. In addition, the planning authority note that despite waste management uses being encouraged to locate on lands to the south of Sligo town, these lands remain undeveloped due to servicing deficiencies. I am satisfied that the

proposed development can be categorised as a waste recycling depot for the purposes of my assessment and the relevant development plan.

- 8.2.3. Since the November 2024 operative date of the Sligo County Development Plan 2024-2030, the site is now subject to the zoning objective TU – transport and utilities infrastructure, Chapter 11 Sligo Town Adopted Zoning Map refers. The TU objective seeks to facilitate the provision and improvement/upgrading of transport-related infrastructure and essential services/utilities such as power supply, telecommunications, gas infrastructure, waste facilities, water supply, wastewater treatment etc. This zoning objective combines the elements of previous CDP objectives “TPN” (Transport and Parking Nodes) and “PU” (Public Utilities).
- 8.2.4. In time, Sligo County Council must prepare a Local Area Plan for Sligo and Environs area, which has a population above the 5,000-person threshold specified in the Planning and Development Act 2000 (as amended). The Sligo Town and Environs Urban Area Plan is currently at pre-draft stage and submissions closed on the 22<sup>nd</sup> August 2025. In the interim, the main strategic policies for Sligo’s urban area (e.g. zoning and housing targets) are included as key elements of the county development plan. Specifically, the zoning and strategic provisions for County Sligo’s main urban centre are included in the Sligo County Development Plan 2024-2030, whilst the detailed policies, objectives and specific development standards regarding urban regeneration, mobility, design, community facilities, open space, recreation amongst other things, will form part of a future Sligo and Environs Local Area Plan or similar document. Thus, the Sligo County Development Plan 2024-2030 is the operative plan for the appeal site and land use zoning objective TU – transport and utilities infrastructure refers. Clarity on the matter of a change in land use zoning was sought by the Board and the applicant, planning authority and appellant all submitted a response, summarised at section 7.0 of my report.
- 8.2.5. Given all of the documentation on file, I am satisfied that the proposed development can be described as a waste recycling depot, the facility will accept waste, then sort that material out into different waste and recycling streams. I note the concerns raised by the appellant on this matter of changing definitions and the applicant’s contention of compliance with the TU land use zoning objective. In terms of land use and the adopted zoning map for Sligo town, the proposed development asks questions of compliance with zoning objective TU – transport and utilities

infrastructure. This is because, as waste recycling depot is a use not normally permitted, section 10.5.4 of the current development plan refers. The current development plan states that development classified as not normally permitted in a particular zone is one which will not be entertained by the Planning Authority, except in special circumstances. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the policies and objectives contained in the Plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area. I note the planning authority's support for the proposal in the form of a notification to grant permission, however, that conditional support was in the context of the previous development plan where such development was open for consideration. In their submission of June 2025 the planning authority states that a waste recycling depot is similar to a refuse transfer centre, which is open for consideration under the TU objective.

- 8.2.6. The TU objective seeks to facilitate essential services and utilities and waste facilities are listed in the overall objective. However, the current statutory plan is clear about what land uses are acceptable in the TU zoning objective and a waste recycling depot is not, section 10.5.4 Land-use Zoning Matrix refers. The appellant reinforces this position in numerous submissions.
- 8.2.7. This principle of development issue has arisen since the date that the appeal was lodged with the Board (February 2024) and the operational date of the development plan (November 2024). The Board invited submissions from all parties to the appeal on the specific matter of a change in land use zoning and circulate same to all parties. Apart from reiterating aspects of the overall development, the applicant has advanced the case that the proposed development is in keeping with its surroundings, is consistent with the waste management strategy of the CDP (section 3.3.28 refers) and is consistent with the planning and sustainable development of the area. It is the view of the applicant that all of these matters should be considered as Special Circumstances for the purposes of allowing the Commission to grant permission. The planning authority set out the land use zoning objective and the appellant disagrees with the applicant's reasoning and states that there is no specific need to locate at this site in particular and environmental considerations have not been addressed.

- 8.2.8. On the face of it, the development will contravene the land use zoning and would require a material contravention of the development plan if permission is to be considered. However, the current development provides an avenue for development to be considered if special circumstances can be met. In this case the planning authority (the Commission) can entertain the development if 'special circumstances' can be met. At section 2.3 of the applicant's response to further information sought by the Board/Commission, the applicant sets out the 'special circumstances' and they include an explanation of the effect on existing and permitted uses, that in their view would be imperceptible. The policies contained in the development plan support proposals to reduce waste and work towards the circular economy, section 33.2.8 of the plan refers. Finally, the applicant points out that there is an existing recycling facility nearby and that the proposed development has been considered in light of environmental factors, the proposal would be in the interests of the proper planning and sustainable development of the area. All of these matters are reiterated by the applicant in their final submission. The appellant takes a different view and advances the case that 'special circumstances' relate to the need to be at a certain location or because of some pre-existing use on the site that necessitates the selection of one site over another. In their view the proposed development meets none of these special circumstances. In addition, the development has changed its description to fit in with the land use zoning and no consideration of cumulative impacts have been addressed.
- 8.2.9. The appeal was lodged in February 2024, the new development plan has changed the land use zoning objective for the site and the proposed development as described, is no longer compatible with the land use zoning. Taking into account the site and its surroundings, a quayside where there are other similar types of activities, commercial enterprises, industry and recycling predominates and as such the proposed development would not be out of place here. The TU land use zoning objective states that a Waste Recycling Depot is a use not normally permitted unless special circumstances apply. I am satisfied that in this case a Waste Recycling Depot would be an acceptable use at this location. The current use is as a coal yard, but the site remains vacant, reactivation of that use could recommence subject to any necessary consents or license. The existing road infrastructure is of a suitable standard to accommodate the minor increase in traffic; the applicant's Traffic Report

explains that a TTA would not be required as thresholds for same would not be met. There are no environmental issues to address, the applicant updated their EIA Screening Report and an NIS has been submitted, both documents are assessed in detail within the appendices of my report. I note that Chapter 33. *Development management standards* of the current development plan under section 33.2.8 Waste management, states that Sligo County Council supports the sustainable management of waste and seeks to enable a significant reduction in the production of waste in County Sligo, in line with the principles of the Waste Action Plan for a Circular Economy (DECC, 2021). In this case, the Waste Recycling Depot can be considered at this location and on the TU land use zoning objective because special circumstances are met.

### **8.3. Environmental Impact Assessment (EIA)**

- 8.3.1. The issue in the grounds of appeal that an Environmental Impact Assessment Report (EIAR) should have been submitted and that cumulative environmental impacts were not considered exercises the appellant. The appellant asserts that because the amount of waste taken in is so close to the thresholds set out in Schedule 5 Part 2 section 11 Other Projects paragraph (b) of the Planning and Development Regulations 2001 as amended, and together with cumulative impacts not considered, the Commission cannot grant permission in this instance.
- 8.3.2. The planning authority raised no significant issues with respect to the use of the site for the development as proposed and the notification to grant permission includes relevant planning conditions. The main issue of concern on the part of the appellant is that of the proposed recycling development and how much waste it plans to process each year and that environmental factors such as odour are not addressed. The applicant refers to waste received, and this will amount to less than 24,336 tonnes per annum. In this instance I am guided by the applicant's own words and that waste will be accepted on to the site, processed and sorted into various waste streams. I am satisfied that this facility will accept waste and that it is correct to consider the development within the terms of the thresholds set out in Schedule 5 Part 2 section 11 Other Projects paragraph (b) of the Planning and Development Regulations (PDR) 2001 as amended.

8.3.3. For clarity, the planning regulations do not refer to a recycling facility, however, as I have determined that the site will accept waste it is appropriate to consider the development under Schedule 5 Part 2 section 11 Other Projects paragraph (b), that states:

*(b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.*

8.3.4. The facility will receive waste, sort material suitable for recycling and dispose of material that is not. Neither the applicant nor the appellant have presented arguments with regard to what amount of waste will be disposed of. It is logical that the amount of waste disposed of would be less than that taken in by varying degrees. However, for the purposes of this analysis I will settle on the amount of waste taken in and put to one side what amount is disposed of because it is the amount received that is the only consideration in this appeal. From the documentation submitted with application and appeal, I can see that the amount of waste that will be received on site each year will either be:

- 24,336 tonnes – as per the applicant's planning report
- 24,999 tonnes of recyclable materials – as per the applicant's EIA Screening Report
- 24,336 tonnes – as per the applicant's Traffic Report

8.3.5. The documentation prepared by the applicant all indicate an annual intake of just less than 25,000 tonnes and this would not exceed the threshold set out in the 2001 regulations. However, the appellant points to the precautionary approach and that the need for an EIAR should be considered as a requirement because the proposed tonnage is very close to the 25,000 tonne threshold and that cumulative impacts have not been assessed. The appellant also points to a change in description of the development but I am satisfied that the definitions offered and accepted by me remain the same. With respect to thresholds, there is no definitive advice in respect of what constitutes sub-threshold, it has been the practice within the Board that proposed developments of less than 50% of the appropriate threshold can be expected to be screened out at Preliminary Examination or by way of a screening determination if Schedule 7A documentation has been submitted. Consequently, where developments are greater than 50% of the appropriate threshold a screening

determination is required. The applicant prepared an EIA Screening Report that was prepared by a team of qualified and competent persons in accordance with Schedule 7A. In addition, at the request of the Board/Commission, the applicant updated their EIA Screening Report to address the matter of cumulative effects, additional text in blue refers. I have carried out a Screening Determination based upon all relevant information, appendix 2 of my report refers. The outcome of the screening determination at appendix 2 of my report, concludes that the submission of an EIAR is not a requirement in this instance:

- 8.3.6. The proposed development will utilise land that has been used for the bulk storage of coal/fuel, a use that could potentially resume subject to the necessary consents. Considering the nature of the former operations on the site, the prevailing pattern of industrial development in the surrounding area and given the proposed operations that would be subject to the issuing of a Waste Facility Permit by the local authority, such a development would be acceptable. Given the outcome of my Screening Determination, I am satisfied that cumulative impacts have been fully taken into account. Specifically, I note that an existing and operational Civic Amenity Centre is located to the north of the appeal site, this premises has permission for a 25,000 tonne per annum increase in the amount of waste it currently accepts, planning authority reference 17243 refers. According to that permission the increase sought amounted to 25,000 tonnes per annum allowing up to 50,000 tonnes per annum and an Environmental Impact Assessment Report (EIAR) accompanied the planning application documentation. The appellant informs the Commission that this facility currently accepts up to 50,000 tonnes per annum.
- 8.3.7. When the proposed development of a waste recycling depot (annual intake of just less than 25,000 tonnes) is considered in light of an operationally similar development immediately to the north with an annual intake of up to 50,000 tonnes is taken into account some examination of cumulative impacts should logically follow. The applicant's EIA Screening Report, is in accordance with the requirements of schedule 7 and 7A, and addresses cumulative impacts and the relevant thresholds.
- 8.3.8. Given all of the forgoing, I am satisfied that the development as proposed would not be likely to result in significant effects on the environment. This is due to the submission of environmental related subject matter with reference to cumulative impacts. The proposed development will receive marginally less than 25,000 tonnes

of waste per annum and this is below the threshold set out under Schedule 5 Part 2 section 11 Other Projects paragraph (b). It is expected that a permitted facility will operate within its allowable threshold and within any license issued by the planning authority. The matter of compliance and enforcement lies with the planning authority and not the Commission, I am satisfied that permission subject to appropriately worded conditions is appropriate in this instance.

#### **8.4. Procedural Matters**

- 8.4.1. The original Natura Impact Statement (NIS) submitted with the planning application was updated at the request of the planning authority to include matters to do with the potential for fire and fire water management during the operational phase of the development. The revised NIS was not re-advertised as significant information when it was lodged with the planning authority and as such, under section 142(4) of the Planning and Development Act 2000 as amended, the Board required new public notices to be published. The matter of re-advertisement is criticised by the appellant, who disputes whether the Board are entitled to require such a re-advertisement as this is a function for the planning authority. The appellant goes to state that the section 142(4) of the 2000 Act only allows the Board to require public notices on account of new material submitted at appeal stage. The appellant concludes that if it is the case that significant information was received it should have been publicised at the response to further information stage, the application must be invalidated, article 26(3)(b) of the 2001 Regulations refers.
- 8.4.2. I see that the Board required new notices to be published on account of an updated NIS, this the applicant did. The revised notices can be found on the appeal file. The Board instructed the applicant to do so under section 142(4) of the Planning and Development Act 2000 as amended, letter dated 15<sup>th</sup> April 2024 refers. For clarity, section 142(4) of the Planning and Development Act 2000 as amended, states the following:

*Without prejudice to the generality of subsection (1), the Board may require any party to an appeal or referral to give such public notice in relation thereto as the Board may specify and, in particular, may require notice to be given at the site or by publication in a newspaper circulating in the district in which the land or structure to which the appeal or referral relates is situate*



- 8.4.3. It is evident to me that this section of the 2000 Act allows the Board to require any party to an appeal to publish a notice, and such provision is not solely to do with plans, drawings or particulars referred to regarding invitations at subsection (2). The Board exercise this function from time to time and in doing so have alerted the general public to the availability of the applicant's updated NIS. I note on this occasion, no further submissions were made in relation to the appeal, other than the appellant's comments with regard to the validity of the planning application prior to its journey to the Board. A matter I consider to be beyond reach in this instance. No further action required.

The appellant also points to article 26(3)(b) of the 2001 Regulations, that states:

*(b) the notice in the newspaper or the site notice, because of its content or for any other reason, is misleading or inadequate for the information of the public.  
the planning application shall be invalid.*

- 8.4.4. Not directly relevant in this instance either, however, the notices that were published initially and as instructed by the Board are neither misleading nor inadequate for the information of the public. No further action required.

## 8.5. **Conditions**

- 8.5.1. The planning authority issued a notification to grant permission subject to 15 conditions, the majority of conditions are standard and technical in nature, the following bespoke conditions are noted:

12. Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority the following:

(a) Road construction tie-in details including exact alignment with the existing road surface at the entrance to the proposed development

(b) A photographic road condition survey on the adjacent public footways and roadways.

Reason: In the interests of orderly development and road safety

15. The applicant shall pay the sum of €16,849 (sixteen thousand, eight hundred and forty nine Euro) to Sligo County Council as a contribution towards expenditure that was or that is proposed to be incurred by the Local Authority in respect of public

infrastructure and facilities benefiting development in the area of the Local Authority, as provided for in the current (2018) Development Contribution Scheme in the County of Sligo made in accordance with Section 48 of the Planning & Development Act, 2000 (as amended).

- 40% roads and public infrastructure €6,740

- 60% General recreational and community facilities and amenities €10,109

Reason: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the Planning Authority that is or will be provided by or on behalf of the County Council.

8.5.2. I am satisfied that the development should be permitted subject to meeting the planning authority's technical requirements regarding road tie in and that a section 48 contribution should be applied. With reference to other conditions recommended at section 13.0 of my report, these are standard technical conditions that would be applied to any urban development accompanied by an NIS on serviced land and no specific conditions to amend or omit elements are recommended or necessary.

8.5.3. I note that the planning authority attached conditions to do waste disposal activities at the site, in this regard the operational matters of the facility will be governed by a Waste Facility Permit issued by Sligo County Council. I am satisfied that all of these matters are managed and regulated within any permit requirements that concern the various obligations to do with waste, a suitably worded condition should be attached. Lastly, the appellant makes a point that the planning authority did not attach a condition that limits the intake of waste to below the required threshold of 25,000 tonnes. I note the point, however, given that the proposed development is for a facility that will handle less than 25,000 tonnes and be controlled by a Waste Permit Licence, any deviation would require additional consent, as the case may be. In this instance and to avoid doubt a suitably worded condition should be attached.

## **9.0 Appropriate Assessment**

### **9.1. Screening Determination - Finding of likely significant effects**

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC Cummeen Strand SPA in view of the conservation objectives of a number of qualifying interest features of those sites.
- 9.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required. Appendix 1 of the Inspector's Report refers.

## **9.2. Natura Impact Statement (NIS)**

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 9.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.2.3. My conclusion is based on the following:
- Consideration of the submitted AA Screening Report and NIS, and other support documentation.
  - Detailed assessment of construction and operational impacts.
  - Effectiveness of mitigation measures proposed within the NIS including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
  - Application of planning conditions to ensure application of these measures.

- 9.2.4. Conclusion: The proposed development will not affect the attainment of conservation objectives for the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035).

## **10.0 Water Framework Directive (WFD)**

- 10.1. The subject site is located at Lands at Deepwater Quay, Sligo, Co. Sligo, relevant nearby waterbodies include: Transitional Garavoge Estuary and Groundwater Drumcliff-Strandhill.
- 10.2. The proposed development comprises a change of use to recycling depot, section 2.0 of the Inspector's Report refers. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the change of use project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- The nature of the works that include surface water management measures
  - Lack of any direct hydrological connections
  - The serviced nature of the lands
- 10.5. Conclusion - I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment, appendix 5 of the Inspector's Report refers.

## **11.0 Recommendation**

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

## **12.0 Reasons and Considerations**

Having regard to the pattern and character of existing development in the area, the design and scale of the development proposed, and the zoning objective TU – transport and utilities infrastructure and other provisions of the Sligo County Development Plan 2024-2030, it is considered that, subject to compliance with the conditions set out below, the proposed development would meet the special circumstances required by the zoning objective for the site, would not detract from the visual amenity of the area, and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24<sup>th</sup> day of November 2023, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The maximum quantities of waste to be accepted at the site shall not exceed 24,999 tonnes in total in any one year, no increase to the annual maximum intake amount shall take place or be carried out without a prior grant of planning permission.

Reason: In the interests of clarity and proper waste management.

4. The facility approved by this order, shall not operate until the appropriate authorisation has been obtained from the planning authority for a waste facility permit, as required.

Reason: In the interests of clarity and proper waste management.

5. The road layout and vehicular entrance details, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit the following:

(a) details for road construction tie-in, including exact alignment with the existing road surface at the entrance to the proposed development.

(b) A photographic road condition survey on the adjacent public footways and roadways.

for the written agreement of the planning authority.

Reason: In the interest of public health.

6. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

7. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays 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.

11. The construction of the development shall be managed in accordance with a Construction 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 compound(s) including area(s) 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 the course of 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) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;



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

12. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within and at the boundary of the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating if any;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

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

15. 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 Coimisiún 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

22 October 2025

## 14.0 Appendix 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-319116-24
<b>Proposed Development Summary</b>	<p>Change of use from coal yard to recycling facility on a site of 1.42 Hectares, the detail is as follows:</p> <ul style="list-style-type: none"> <li>• Demolition of an existing storage building (287sqm)</li> <li>• Construction of a proposed recycling facility of 1,124sqm floorspace to include: a maintenance shed (287sqm), 3 storage containers (3 x 26.5sqm),</li> <li>• Skip storage areas,</li> <li>• 15 car parking spaces including one EV charging space and one accessible parking space, eight truck parking spaces, covered bicycle stand for five bicycles,</li> <li>• Weighbridge and associated weighbridge office,</li> <li>• Security fencing on part of northwestern boundary.</li> </ul> <p>Waste recycling activities include:</p> <ul style="list-style-type: none"> <li>• Sorting and packaging of recyclable materials.</li> <li>• Reception of recyclable and skip materials, within the proposed recycling building.</li> <li>• All waste received will be segregated inside the building.</li> <li>• All material will be sorted into separate recycling categories and packaged as appropriate for onward distribution.</li> <li>• All waste entering and leaving the site will be weighed and recorded appropriately.</li> </ul>

	<ul style="list-style-type: none"> <li>All waste will be visually inspected and any non-recyclables will be appropriately intercepted and recovered</li> </ul> <p>The annual tonnage will be less than 24,336 per annum</p>
<b>Development Address</b>	Deepwater Quay, Sligo, Co. Sligo
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	

<p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p>	<p>Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)</p> <p>11. Other projects</p> <p>11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.</p> <p>The annual tonnage will be 24,336 per annum</p>

<p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>May invoke Schedule 5 Part 2 section 13 Changes, extensions, development and testing (a), that states:</p> <p>(a) Any change or extension of development which would:-</p> <p>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</p> <p>(ii) result in an increase in size greater than-</p> <ul style="list-style-type: none"> <li>- 25 per cent, or</li> <li>- an amount equal to 50 per cent of the appropriate threshold,</li> </ul> <p>whichever is the greater.</p> <p>(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)</p> <p>When the consideration of cumulative impacts are taken into account concerning an operational development similar in character and itself alone is greater than the relevant threshold.</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## 15.0 Appendix 2 - EIA Screening Determination

A. CASE DETAILS	
An Bord Pleanála Case Reference	ABP-319116-24
Development Summary	<p>Change of use from coal yard to recycling facility on a site of 1.42 Hectares, the detail is as follows:</p> <ul style="list-style-type: none"><li>• Demolition of an existing storage building (287sqm)</li><li>• Construction of a proposed recycling facility of 1,124sqm floorspace to include: a maintenance shed (287sqm), 3 storage containers (3 x 26.5sqm),</li><li>• Skip storage areas,</li><li>• 15 car parking spaces including one EV charging space and one accessible parking space, eight truck parking spaces, covered bicycle stand for five bicycles,</li><li>• Weighbridge and associated weighbridge office,</li><li>• Security fencing on part of northwestern boundary.</li></ul> <p>waste recycling activities include:</p>



	<ul style="list-style-type: none"> <li>• Sorting and packaging of recyclable materials.</li> <li>• Reception of recyclable and skip materials, within the proposed recycling building.</li> <li>• All waste received will be segregated inside the building.</li> <li>• All material will be sorted into separate recycling categories and packaged as appropriate for onward distribution.</li> <li>• All waste entering and leaving the site will be weighed and recorded appropriately.</li> <li>• All waste will be visually inspected and any non- recyclables will be appropriately intercepted and recovered</li> <li>• The annual tonnage will be less than 24,336 per annum</li> </ul>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
1. Was a Screening Determination carried out by the PA?	<b>No</b>	Preliminary Examination was carried out by the planning authority and the finding was that no EIAR is required.
2. Has Schedule 7A information been submitted?	<b>Yes</b>	Environmental Impact Assessment Screening Report, prepared by a team of qualified and competent persons and in accordance with Schedule 7 and 7A. The report was updated to take account of cumulative impacts, dated July 2025.

<p><b>3.</b> Has an AA screening report or NIS been submitted?</p>	<p><b>Yes</b></p>	<p>AA screening report and an NIS was submitted prepared by a team of qualified and competent persons. The NIS was updated and the relevant public notices, requested by the Board are on file.</p>
<p><b>4.</b> Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p><b>No</b></p>	<p>According to the applicant's report it is stated, that the proposed development is below the threshold for EPA Waste License. Provided planning permission is granted a Waste Permit will be sought from Sligo County Council. It is noted that the applicant (Barna recycling) has appropriate EPA licences and permits for other sites and services within Connacht.</p>
<p><b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p><b>Yes</b></p>	<p>Other assessments carried out include:</p> <p>SEA was undertaken by the planning authority in respect of the Sligo Development Plan 2024-2030, as varied.</p> <p>Appropriate Assessment (AA)</p> <p>Strategic Flood Risk Assessment (SFRA)</p>

B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The site is located within an existing industrial area. The nature and scale of the proposed development reflects the surrounding pattern of development on lands zoned for industrial</p>	<p>No</p>

		and commercial purposes. The site was previously in use for the storage of coal.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The development will result in the construction of a new building and utilise existing yard space and buildings to process waste and win recyclable materials.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Machinery and plant will consume hydrocarbons during the construction and operational phases of development.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Cleaning products in small quantiles will be stored for use on site. Waste materials not recyclable will be stored on site before removal to approved facilities.	No

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Waste materials not recyclable will be stored on site before removal to approved facilities.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Surface water runoff and sources of contaminants during construction will be managed in accordance with standard best practice measures. Silt and sedimentation will be settled prior to controlled discharge via soakaways and a attenuation tank. No refuelling will take place on site during construction to mitigate the risk of hydrocarbon spillage.</p> <p>At operational phase, the proposed surface drainage system for the development is to connect to the existing storm sewer network on site. Surface water run-off will flow into the existing petrol interceptor on site before discharging into the public surface water sewer network.</p>	<p>No</p>

		<p>Section 5 of the applicants Flood Risk Report states:</p> <p>Fluvial - The closest hydraulic feature to the subject site is the Garavogue Estuary. This is located approximately 30m north of the northern boundary of the subject site. The subject site is not predicted to be liable to fluvial flooding from the Garavogue Estuary, as predicted by the PFRA and Western CFRAM studies. The 0.1% AEP MRFS CFRAM fluvial flood extents do not encroach onto the subject site, where the estuary levels are largely tidally dominated at this location. The proximity of the Garavogue estuary to the subject site means that coastal flooding is the largest risk of flooding to the subject site.</p> <p>Coastal - Based on a review of the PFRA, ICPSS, CFRAM and NCFHM existing coastal flood extents, the subject site is located in Flood Zone B and C, where the 0.5% AEP</p>	
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		<p>existing flood extents do not encroach upon the subject site.</p> <p>The maximum predicted 0.5% AEP MRFS coastal flood level (ICWWS) of 3.97mOD under a climate change scenario is over 1.0m below proposed FFL (5.0mOD) of the proposed new recycling facility (and more than 0.8m above the 0.1% AEP MRFS flood level). The proposed FFL for the new maintenance building is proposed at 4.3mOD. This is over 0.3m above the 0.5% AEP MRFS water level (it is also 0.1m above the 0.1% AEP MRFS water level).</p> <p>The overall proposed site layout is limited by the need to tie into the existing site layout. The existing office building and shed will be retained as part of the proposed development. The existing FFL of these buildings are 4.18mOD and 3.86mOD respectively. In addition to this the proposed development has to maintain the existing access to the subject site. Access to the subject site is provided via Deepwater Quay Road. The level of</p>	
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		<p>the road in the vicinity of the subject site is approximately 3.7mOD.</p> <p>Raising of ground and flood levels at the proposed development will provide sufficient protection to the proposed development from coastal flood extents; as the flood risks are tidal, mitigation through land raising will have no impact on neighbouring properties, so compensatory storage will not be required.</p> <p>Therefore, it is estimated that risk of coastal flooding associated with the proposed enhancement works is minimal.</p> <p>The proposed development is correctly located in Flood Zone B and C, according with the PSFRM Guidelines. The proposed FFL of the new recycling centre provides 1.0m freeboard above 0.5% AEP MRFS water level. The proposed FFL for the new maintenance building provides 0.3m freeboard above the 0.5% AEP MRFS water level (3.97mOD). This difference in level minimises the flood risk to the proposed buildings. The raising of ground levels</p>	
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		in the vicinity of the proposed development will provide sufficient protection to the proposed development from coastal flood extents without having an impact on flood risk elsewhere. The overall proposed site layout is limited by the need to tie into the existing site layout and road network, however the proposed development is appropriately located in Flood Zone B and C, and new buildings have sufficient freeboard in a climate change scenario.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise Assessment - predicted noise outputs are measure and mitigation measures proposed. There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	No

<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the operation of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts anticipated.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of the proposed development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no SEVESO/COMAH sites in the vicinity of this location.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The redevelopment of the site will increase the local employment population. This is not regarded as significant given the industrial location of the site and the surrounding pattern of land use.	No

<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The proposed development relates to a vacant site that was previously in use as a coal yard. Permitted and operational developments in the vicinity have been subject to separate assessments. Given the proximity of other similar types of existing and permitted development, significant cumulative impacts have been considered and ruled out.</p> <p>I note that the similar waste facility development to the north west was accompanied by an EIAR and permission has been granted.</p> <p>The most likely cumulative impact results from traffic and the applicant has prepared a Traffic Note. The note concludes that the addition of the proposed development will result in a limited increase in traffic, not perceptible given the current volumes in the area, and not enough to trigger the need for a full Traffic Impact Assessment, as it is below the threshold set out by the TII Traffic and Transport Assessment Guidelines.</p>	<p><b>No</b></p>
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<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<b>Yes</b>	<p>There are Natura 2000 Environmental Designations i.e. (European Sites) in close proximity to the subject site. There are no water courses within the site. The “Garavoge River” is located approximately 30 m to the northeast of the application site, with an intervening public road between the application site and the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC &amp; Cummeen Strand SPA.</p> <p>Proposed Natural Heritage Areas: Cummeen Strand/Drumcliff Bay (Sligo Bay) is located to the east.</p>	<p>No - The applicant prepared an NIS, this was updated by way of further information in order to address matters to do with fire and fire water management during the operational phase. Issues to do with Appropriate Assessment are considered in the main body of my report.</p>

<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p><b>No</b></p>	<p>The site of the proposed development comprises made ground and is bound by metal fencing and blockwork wall. No such species use the site and no impacts on such species are anticipated.</p> <p>Bat Roost Inspection Report - Due to the low roosting potential of the buildings onsite and lack of linear features and feeding grounds and the built-up urban environment bats are unlikely to have a roost in the area. The survey did not observe any signs of bats using the existing building as a roost site during the Building Assessment and Inspection.</p> <p>No bats or roosts were detected on site.</p>	<p><b>No</b></p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>There are no landscape designations or protected scenic views at the subject site.</p> <p>There are no protected structures within or adjoining the site, and the site is not included within an architectural conservation area.</p>	<p><b>No</b></p>

		Due to the disturbed nature of the site, the potential for the continued survival of archaeological material and features within the site are limited.	
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>No</b>	<p>With reference to water quality and water/coastal/fisheries, whilst it has been concluded that there is potential for significant effects on a European site(s), having regard to the characteristics of the proposed development, its location and the types and characteristics of potential impacts, there is no potential for significant effects on other environmental parameters. Impacts on European sites can be addressed under Appropriate Assessment which I have set out in Section 9.0 of my report. I am satisfied therefore that EIA is not</p> <p>Warranted in this instance with reference to there any areas of high quality or scarce resources which could be affected by the</p>	<b>No</b>

		project, for example: forestry, agriculture, water/coastal, fisheries, minerals	
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>Yes</b>	Note the answers set out in question 1.4 above, and the applicant's Flood Risk Assessment. Note the findings and conclusions set out at appendix 5 of my report, WFD Screening.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	No such risks identified.	<b>No</b>
<b>2.7</b> Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b>	There are no such adjoining land uses, note the applicant's Traffic Report findings and that the site currently hosts a coal yard where similar traffic patterns may arise.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities	<b>No</b>	There are no such adjoining land uses.	<b>No</b>

(such as hospitals, schools etc) which could be affected by the project?			
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>Yes</b>	Other projects have been identified as part of the planning history in section 5.0 of this report (i.e., relevant if granted permission). These developments are of a nature and scale that have been determined to have likely significant effects on the environment and subject to EIA, specifically an operational civic amenity centre to the west of the site. These developments have been identified in the vicinity that when taken together could give rise to significant cumulative environmental effects. Given the proximity of other similar types of existing and permitted development, significant cumulative impacts have been considered and ruled out.	<b>No</b>  Cumulative impacts have been adequately addressed in the documentation received by the Board/Commission. Consideration has been given to the probability, magnitude complexity, duration, frequency, intensity or reversibility of any such impacts. These are considered to be negligible and consequently, no



			mitigation measures are specified or necessary.		
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No transboundary considerations arise.	<b>No</b>		
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>				
<b>C. CONCLUSION</b>					
<b>No real likelihood of significant effects on the environment.</b>	<input checked="" type="checkbox"/>	EIAR Not Required			
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required			
<b>D. MAIN REASONS AND CONSIDERATIONS</b>					
Having regard to: -					
1. the criteria set out in Schedule 7, in particular					
(a) the nature and scale of the proposed waste recycling depot development, in an established industrial/commercial area served by public infrastructure					

(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone

(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

2. the results of other relevant assessments of the effects on the environment submitted by the applicant

EIA Screening Report (updated July 2025)

AA Screening Report (updated November 2023),

Natura Impact Statement (updated November 2023)

Preliminary Construction Environmental and Demolition Waste Management Plan

Construction & Environmental Management Plan

Civil Engineering Report and drainage drawings

Preliminary Fire Risk Assessment

Noise Assessment Report

Bat Roost Inspection Report

Traffic Report (updated July 2025)

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposal with respect to fire risk.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

## 16.0 Appendix 3 - AA Screening Determination

### Screening for Appropriate Assessment

#### Screening for Appropriate Assessment

#### Screening Determination

##### Step 1: Description of the project

I have considered the waste recycling project in light of the requirements of S177U of the Planning and Development Act 2000 as amended and with reference to the AA Screening Report submitted by the applicant. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor Model are located as follows:

Site code	Site name	Distance from the site
000627	Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC	68 metres
004035	Cummeen Strand SPA	61 metres

The Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA have been screened in.

I note the submission on file from the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) with reference to nature conservation. The DAU refer to the submission of an NIS, they note that the sites potentially impacted by this development include but may not be limited to North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code

004034). It is therefore recommended that all mitigation measures outlined in the Natura Impact Statement (NIS) accompanying this application should be fully incorporated as conditions of any such permission. The North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code 004034) are located some 180 kilometers to the north in County Donegal with a number of intervening designated sites. I am satisfied that table 3.1 contained in the applicant's AA Screening Report that identifies relevant Natura 2000 sites using Source-Pathway-Receptor Model is sufficiently complete to enable consideration of all relevant sites. I see no reason to include the North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code 004034) and I reasonably conclude that they have been included in error by the DAU.

During the construction phase, the demolition of an existing warehouse on site is required. These demolition works could disturb and impact on the wintering bird species associated with the SPA. In the absence of mitigation, the potential effects of noise and disturbance to the qualifying interests (Wintering Birds and Habitats).

During the construction and demolition phase, in the absence of mitigation and best practice measures, adverse effects associated with surface water run off cannot be ruled out. It is also noted that given the close proximity to the SAC & SPA impacts cannot be ruled out during both the construction and operational phase of the proposed development, due to the potential for recyclable materials to enter into the Natura 2000 sites.

The Flood Risk Assessment (FRA), has identified the subject site within Flood Zone B (tidal). As the proposed development consists of a change of use from a Coal yard to a managed Recycling facility (which will avail of existing services on site), no significant impacts are anticipated in the regard.

All other sites listed at table 3.1 of the applicant's AA Screening Report have been screened out due to a lack of hydrological connectors (flood plain, waterways etc.) and ecological corridors, no connector-receptor pathways were identified.

### **Step 2: Potential impact mechanisms from the project.**

The development involves none of the following direct impacts:

- Habitat loss or deterioration
- Species disturbance or mortality

It is noted that during the operational phase of the proposed development impacts may occur such as recyclable materials entering into the SAC & SPA due to the nature of the proposed development and the work proposed to be carried out on site. Therefore, mitigation measures are required. Details are set out at section 4 of the applicant's AA Screening Report

### **Step 3: European Sites at risk**

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the qualifying interests (QI) of the European sites, the operational related habitat and species disturbance and fragmentation as a result of the potential for hydrological connections.

I note 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 Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA.

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 European Sites:

- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC
- Cummeen Strand SPA

The qualifying interests of these Natura 2000 Sites are listed on the NPWS website and below:

<b>Site (site code) and Conservation Objectives</b>	<b>Distance from site (approx.)</b>	<b>Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)</b>	<b>Connections.</b>
Cummeen Strand/Drumcliff Bay (Sligo Bay)	68 metres	<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 <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	Owing to the close proximity to the SAC, and following a precautionary approach, indirect effects cannot be ruled out due to the proposed development.

		<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>Cummeen Strand SPA</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as</p>	61 metres	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Owing to the close proximity to the SAC, and following a precautionary approach, indirect effects cannot be ruled out due to the proposed development.</p>



Special Conservation Interests.				
<p><b>Step 4: Likely significant effects on the European site(s) 'alone'</b></p> <p>The development site is not within or directly adjacent to any Natura 2000 site. The site is separated from the nearest designated site by a wide road, footpath and wide grass margin. The site is located in an area surrounded by existing industrial, commercial and port infrastructure. The site comprises made ground, hardstanding and buildings.</p> <p>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 Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA. As a result, it is recommended to the competent authority that an Appropriate Assessment is required, and a Natura Impact Statement (NIS) in respect of the proposed development was prepared.</p>				
Summary Screening Matrix				
European Site	Distance to proposed development/ Source,	Possible effect alone	In combination effects	Screening conclusions:

	pathway receptor				
Cummeen Strand/Drumcliff Bay (Sligo Bay)	68 metres	<p>During the construction phase there is potential for surface water runoff from site works to temporarily discharge to groundwater and surface water and reach the SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from site clearance and other construction activities and also from the release of hydrocarbons.</p> <p>At operational phase, in the absence of mitigation, the risk of recyclable materials entering the SAC, cannot be ruled out.</p>	No effect	Screened in for AA	

Cummeen Strand SPA	61 metres	<p>During the construction phase, there is potential for surface water runoff from site works to temporarily discharge to groundwater and surface water and flow into the SPA, with consequent potential for water sensitive habitat/habitat supportive of SCI associated with Cummeen Strand SPA to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons.</p> <p>The proposed construction and demolition works will be short-term in duration, however, will likely result in disturbance to the QI bird species which may affect feeding and behaviours of the</p>	No effect	Screened in for AA	
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		species. No long-term disturbance is predicted.  At operational phase, in the absence of mitigation, the risk of recyclable materials entering the SPA, cannot be ruled out.			
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There are no identifiable hydrological connectors to either of the Natura 2000 sites, however, in the absence of mitigation, there is the potential for surface water run-off during the construction phase of development which could potentially result in water quality deterioration in the Natura 2000 site. In addition, the proposed construction/demolition works will be short-term in duration, however, will likely result in disturbance to the QI bird species which may affect feeding and behaviours of the species. No long-term disturbance is predicted. At operational phase, in the absence of mitigation, the risk of recyclable materials entering the SAC and SPA, cannot be ruled out. Therefore, in the absence of mitigation during the construction phase, significant impacts/effects cannot be ruled out in the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA.

#### **Consideration of Impacts:**

- There is nothing unique or challenging about the proposed brownfield 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 in the AA Screening Report.

- During the operational stage, after passing through standard surface water management systems, all stormwater generated onsite will be managed on-site through infiltration and to the municipal stormwater water network. The surface water pathway creates the potential for an interrupted connection between the site and the Cummeen Strand/Drumcliff Bay (Sligo Bay) and Cummeen Strand designated sites.
- During the construction phase, it has been highlighted that there is the potential of short-term disturbance to QI wintering bird species associated with the Cummeen Strand SPA during demolition and construction on site. No long-term impacts are predicted. Species disturbance or mortality could result during the operational phase and these impacts would be long term.
- In terms of in combination impacts other projects within the Sligo Bay area which can influence conditions via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

Owing to the close proximity to the SAC, and following a precautionary approach, indirect effects cannot be ruled out due to the proposed development. During the construction and demolition phase, in the absence of mitigation and best practice measures, adverse effects associated with surface water run off cannot be ruled out. At operational phase, in the absence of mitigation, the risk of recyclable materials entering the SAC, cannot be ruled out.

Owing to the close proximity to the SPA, and following a precautionary approach, indirect effects cannot be ruled out due to the proposed development. During the construction phase, the demolition of an existing warehouse on site is required. These demolition

works could disturb and impact on the wintering bird species associated with the SPA. In the absence of mitigation, the potential effects of noise and disturbance to the qualifying interests (Wintering Birds and Habitats). At operational phase, in the absence of mitigation, the risk of recyclable materials entering the SPA, cannot be ruled out.

As part of the proposed development, it will connect to the existing foul sewer connection and storm water connection. No impacts are predicted in this regard.

It is noted that the application site has been used as a previous coal yard and is surrounded by industrial and commercial development. Given the existing environment and previous use of the site no impacts are predicted in terms of disturbance to bird species on site.

It is also noted that given the close proximity to the SAC & SPA and its impacts cannot be ruled out during the operational phase of the proposed development, due the potential for litter to enter into this Natura 2000 sites.

The Flood Risk Assessment (FRA), has identified the subject site within Flood Zone B (tidal). As the proposed development consists of a change of use from a Coal yard to a managed Recycling facility (which will avail of existing services on site), no significant impacts are anticipated in the regard.

Therefore, the conclusion of this screening exercise is that significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, alone or in combination with the other plans and projects in the area, and therefore that a Natura Impact Statement is required in this case.

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 brownfield site, either at construction phase or operational phase.

However, I note the potential for disturbance to bird species during the construction phase of the developments and the proximity of designated sites. In this regard, I note the applicant submitted a Natura Impact Statement (NIS).

Based on the information presented by the applicant, I conclude that the proposed development could have likely significant effect 'alone' on qualifying feature(s) of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC Cummeen Strand SPA. Further AA screening in-combination with other plans and projects is required.

**Proceed to Step 5.**

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision standard techniques during the construction phase and the provision of oil/petrol interceptors during the operational phase to be a standard measure to prevent ingress of vehicle pollutants and that none of these features are a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

**Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC Cummeen Strand SPA 'alone' in respect of effects associated with the close proximity and the topography of the land sloping towards the Natura 2000 sites, potential significant effects/impacts cannot be ruled out during the construction phase of development due to surface water run-off. Short-term disturbance is predicted during construction and demolition to QI bird species associated with Cummeen Strand SPA due to demolition, earth and groundworks, in addition, long-term impacts are

predicted associated with the operational phase in terms of errant recyclable materials. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.



## 17.0 Appendix 4 - AA Determination

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination at appendix 3 of my report, the following is an appropriate assessment of the implications of the proposed development of a waste development in view of the relevant conservation objectives of Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC Cummeen Strand SPA based on the scientific information provided by the applicant.

The information relied upon includes the following:

- EIA Screening (updated)
- Appropriate Assessment Screening (updated)
- Natura Impact Statement (updated)
- Noise Assessment
- Bat Roost Inspection Report

- Preliminary Construction Environmental and Demolition Waste Management Plan
- Flood Risk Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

An NIS, prepared by Colette Casey (B.Sc (Hons)) in partnership with James O' Donnell, Planning Consultant (BA, MRUP, Dip APM) on behalf of Barna Recycling Limited. The NIS was been prepared in accordance with the European Commission guidance document Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2001) and the Department of the Environment's Guidance on the Appropriate Assessment of Plans and Projects in Ireland (December 2009, amended February 2010).

The NIS was updated at the request of the planning authority to include matters to do with the potential for fire and fire water management during the operational phase. It is the updated NIS submitted on the 24<sup>th</sup> November 2023 that I have had regard to. In addition, the revised NIS was not re-advertised as significant information and as such, under section 142(4) of the Planning and Development Act 2000 as amended, the Board required revised public notices to be published. The matter of re-advertisement is assessed in greater detail within the body of my report.

The NIS identifies the main potential impacts from the proposed development on Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA as the potential for surface water run-off containing pollutants such as sediments or hydrocarbons to exit the site during the construction and/or operational phase of the proposed development and enter

the SAC and SPA, affecting aquatic dependent QI's and SCI supporting habitat and the potential for disturbance during the construction phase to bird species. In addition, there is a potential impact from the proposed development on Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA from errant recyclable materials.

The NIS refers to mitigation measures which will be adhered to. These mitigation measures are detailed in section 6 of the NIS. Measures are proposed for the construction phase of the proposed development and are detailed in the NIS under the following headings: Site Set-Up, Earth Works, Air Quality, Dust and Emissions, Refueling, Fuel and Hazardous Materials Storage, Environmental Approvals and Licenses, Ground Water Contamination, Drainage and Water Quality, Noise Control Measures and Fire.

The NIS concludes that when the mitigation measures are implemented, the project, individually or in combination with other plans and projects, will not have an adverse effect on the integrity of Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA, in view of their conservation objectives and in view of best scientific knowledge.

#### **Submissions/observations**

I note the submission on file from the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) with reference to nature conservation. The DAU refer to the submission of an NIS, they note that the sites potentially impacted by this development include but may not be limited to North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code 004034). It is therefore recommended that all mitigation measures outlined in the Natura Impact Statement (NIS) accompanying this application should be fully incorporated as conditions of any such permission. The North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code 004034) are located some 180 kilometers to the north in County Donegal with a number of intervening designated sites. I am satisfied

that table 3.1 contained in the applicant's AA Screening Report that identifies relevant Natura 2000 sites using the Source-Pathway-Receptor Model is sufficiently complete to enable consideration of all relevant sites. I see no reason to include the North Inishowen Coast SAC (site code 002012) and Trawbreaga Bay SPA (site code 004034) and I reasonably conclude that they have been included in error. However, I am satisfied that as instructed, all mitigation measures outlined in the Natura Impact Statement (NIS) accompanying the application should be fully incorporated as conditions of any permission.

**Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Deterioration to water quality via overland flow and the percolation to groundwater of polluting materials during the construction and operational phases of the development.**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives</b> <b>As per:</b> <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000627.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000627.pdf</a>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>  NIS Section 6
1130 Estuaries	To maintain the favourable conservation condition of Estuaries in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	Given the close proximity to the SAC, impacts cannot be	Best practice measures will be adhered to during the construction of the proposed

		<p>ruled out during the construction and operational phase of the proposed development, due the potential for materials and surface water runoff to enter into this Natura 2000 site. Best practice and mitigation measures are outlined in</p>	<p>development. These are an integral part of the design of the project and are considered standard procedure, and should be read in conjunction with the “Preliminary Construction Environmental Management Plan” prepared by Planning Consultancy Services and submitted as part of the</p>	
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		section 6 of the NIS.	planning application.	
1140 Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.	
2110 Embryonic shifting dunes	To maintain the favourable conservation condition of Embryonic shifting dunes in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above	
2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.	
2130 Fixed coastal dunes with	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Cummeen	As above.	As above.	

herbaceous vegetation (grey dunes)	Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.			
5130 Juniperus communis formations on heaths or calcareous grasslands	To restore the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above	
6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	To restore the Favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.:	As above.	As above	

7220 Petrifying springs with tufa formation (Cratoneurion)*	To maintain the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion) in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above
1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i>	To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.
1095 Sea Lamprey <i>Petromyzon marinus</i>	To restore the favourable conservation condition of Sea Lamprey in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.
1099 River Lamprey <i>Lampetra fluviatilis</i>	To maintain the favourable conservation condition of River Lamprey in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.
1365 Harbour Seal <i>Phoca vitulina</i>	To maintain the favourable conservation condition of Harbour Seal in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by a list of attributes and targets.	As above.	As above.



<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>	
<p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p><b>(i) Water quality degradation</b></p> <p>The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species.</p> <p>The likelihood of impacts on hydrologically connected European sites is low and will be avoided by best practice construction management.</p> <p>However, In the absence of mitigation, a potential pathway for indirect effects on the QI species/habitats listed above, in the form of deterioration of water quality arising from the percolation of polluting materials into ground waters bodies and through overland flow from the site during construction activities associated with the Proposed Development was identified.</p> <p>The construction phase will involve excavations and earth moving which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery. There is a risk of the percolation of pollutants to ground water during the above activities. As such, the construction phase of the Proposed Development may result in pollution via groundwater entering SAC.</p> <p><b>Mitigation measures and conditions</b></p> <p><b>Construction Phase Control Measures</b></p>	

- Construction Compound and Storage Areas
- Oil and Fuel Storage and Environmental Response Procedures
- Fuels and Oils Management
- Spill Control and Response
- Soil and Groundwater – minimise cut and fill
- Surface Water & Ground Water.
- Procedures for surface water control (often referred to as erosion and sediment control) to minimise release of sediment to waterways will be established at Construction Stage via a Site Specific Construction Management Plan, as is typical for such development.

### **Operational Phase**

Surface Water Drainage - The surface water drainage system has been designed to cater for all surface water run-off from the development.

According to the applicant's civil engineering report, it is noted that:

The existing storm water drainage collects for all of the surface water runoff from the existing building and hard standing surfaces of the site, including the front yard, parking areas, and existing building roof. It is proposed that all stormwater generated on site will discharge via proposed attenuation tanks before a controlled outflow to the existing storm network via oil interceptor and Hydrobrake. The proposed attenuation tanks are to be constructed with cells and it is proposed to connect the proposed soakaway to the existing public storm network through the existing 225mm concrete pipe situated on site. The maximum pipe diameter proposed is to be 225mmØ, with a maximum and minimum

<p>gradient of 1/40 and 1/300. All velocities at said gradients fall within the limits of 0.75 and 3m/sec as set out in “Recommendations for Site Development Works” as published by the Department of Environment.</p> <p>Storm water layout is shown on drawing number 1015-2178. It is proposed to attenuate all storm water and fire retention water on site with a controlled outflow to the existing storm network. Detailed design calculations for the proposed works are based on the 100-year return period plus an additional 20% for climate change. Surface water from hard surfaces in the proposed development including roadways and roofs, as shown on Dwg. No. 1015-2178 will flow by gravity to the proposed attenuation unit. Results of the storm water calculations can be found in Appendix A. The proposed attenuation tanks of total volume 2190m<sup>3</sup> have been designed to discharge water over a 24-hour storm period with rainfall depths taken for the 100-year return period for sliding durations obtained from Met Eireann, (+20% for Climate Change). The storm water will discharge to the existing storm network located at the front entrance of the site via an existing oil interceptor and proposed hydrobrake. The attenuation tanks locations are shown on drawing no. 1015-2178 and a typical plan and section of an attenuation unit is shown on 1015-2180.</p> <p>Wastewater Drainage – existing connection.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.</p>	
<p><b>In-combination effects</b></p>	

<p>I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.</p> <p><b>Reasonable scientific doubt</b></p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p><b>Site Integrity</b></p>	

The proposed development will not affect the attainment Conservation objectives of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.			
<b>Cummeen Strand SPA (004035):</b> <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b> (i) Deterioration to water quality via the percolation of polluting materials through the bedrock underlying the site during construction and operational phases.			
Qualifying Interest features likely to be affected	Conservation Objectives As of: <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004035.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004035.pdf</a>	Potential adverse effects	Mitigation measures (summary)  NIS Section 6
All Bird species as listed below: A046 Brent Goose Branta bernicla hrota A130 Oystercatcher Haematopus ostralegus	To maintain the favourable conservation condition of the following: <ul style="list-style-type: none"> <li>A046 Brent Goose Branta bernicla hrota</li> <li>A130 Oystercatcher Haematopus ostralegus</li> <li>A162 Redshank Tringa totanus</li> </ul>	Given the close proximity to the SAC, impacts cannot be	Best practice measures will be adhered to during the construction of the proposed

<p>A162 Redshank Tringa totanus</p> <p>And</p> <p>Wetland and Waterbirds [A999]</p>	<p>in the Cummeen Strand SPA [004035], which is defined by a list of attributes and targets:</p>	<p>ruled out during the construction and operational phase of the proposed development, due the potential for materials and surface water runoff to enter into this Natura 2000 site. Best practice and mitigation measures are outlined</p>	<p>development. These are an integral part of the design of the project and are considered standard procedure, and should be read in conjunction with the “Preliminary Construction Environmental Management Plan” prepared by Planning Consultancy Services and submitted as</p>	
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		in section 6 of the NIS.	part of the planning application.	
A999 Wetlands	To maintain the favourable conservation condition of wetland habitat in Cummeen Strand SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by an attribute and target list:	As above.		
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.				
<b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b> <b>(i) Water quality degradation</b> As per for the SAC. <b>Mitigation measures and conditions</b> As per for the SAC.  I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible				

effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2 of the Inspector's Report.

#### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

#### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Cummeen Strand SPA (site code 004035). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.



<p><b>Site Integrity</b></p> <p>The proposed development will not affect the attainment Conservation objectives of the Cummeen Strand SPA (site code 004035). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>	
<p><b>Appropriate Assessment Conclusion: Integrity Test</b></p> <p>In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.</p> <p>Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.</p> <p>My conclusion is based on the following:</p> <ul style="list-style-type: none"> <li>• Consideration of the submitted AA Screening Report and NIS, and other support documentation.</li> <li>• Detailed assessment of construction and operational impacts.</li> </ul>	

- Effectiveness of mitigation measures proposed within the NIS including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.

Conclusion:

The proposed development will not affect the attainment of conservation objectives for the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035).

## 18.0 Appendix 5 - Water Framework Directive (WFD) Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-319116-24</b>	<b>Townland, address</b>	Deepwater Quay, Sligo, Co. Sligo.
<b>Description of project</b>		Change of use from coal yard to recycling facility.	
<b>Brief site description, relevant to WFD Screening,</b>		Former coal yard within a harbour setting, existing roads in the vicinity.	
<b>Proposed surface water details</b>		<p>According to the applicant's civil engineering report, it is noted that:</p> <p>The existing storm water drainage collects for all of the surface water runoff from the existing building and hard standing surfaces of the site, including the front yard, parking areas, and existing building roof. It is proposed that all stormwater generated on site will discharge via proposed attenuation tanks before a controlled outflow to the existing storm network via oil interceptor and Hydrobrake. The proposed attenuation tanks are to be constructed with cells and it is proposed to connect the proposed soakaway to the existing public</p>	

	<p>storm network through the existing 225mm concrete pipe situated on site. The maximum pipe diameter proposed is to be 225mmØ, with a maximum and minimum gradient of 1/40 and 1/300. All velocities at said gradients fall within the limits of 0.75 and 3m/sec as set out in “Recommendations for Site Development Works” as published by the Department of Environment.</p> <p>Storm water layout is shown on drawing number 1015-2178. It is proposed to attenuate all storm water and fire retention water on site with a controlled outflow to the existing storm network. Detailed design calculations for the proposed works are based on the 100-year return period plus an additional 20% for climate change. Surface water from hard surfaces in the proposed development including roadways and roofs, as shown on Dwg. No. 1015-2178 will flow by gravity to the proposed attenuation unit. Results of the storm water calculations can be found in Appendix A.</p> <p>The proposed attenuation tanks of total volume 2190m<sup>3</sup> have been designed to discharge water over a 24-hour storm period with rainfall depths taken for the 100-year return period for sliding durations obtained from Met Eireann, (+20% for Climate Change). The storm water will discharge to the existing storm network located at the front entrance of the site via an existing oil interceptor and proposed hydrobrake. The attenuation tanks locations are shown on drawing no. 1015-2178 and a typical plan and section of an attenuation unit is shown on 1015-2180.</p>
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	<p>With reference to Fire Retention Design it is noted that:</p> <p>The total fire water retention volume required less the capacity of the drainage system to the Zone, the proposed design caters for more than the required fire retention volume. The water will be stored in the proposed attenuation tanks and tankered off-site at a later stage. A proposed hydrobrake is to be installed at the north eastern part of the network, as per DWG 1015- 2178. Automatic shut-off valves for the drainage system, will engage as soon as the fire alarm is activated to retain all firewater run-off within the site.</p>
<b>Proposed water supply source &amp; available capacity</b>	<p>According to the applicant's civil engineering report, it is noted that:</p> <p>Details of the existing foul sewers can be found on Drawing No. 1015-2177.</p> <p>There is an existing foul sewer on site which services the existing building. No additional works for foul drainage is proposed. There will be minimal volume of wastewater on site, and hence, there is no increase in the amount of wastewater generated.</p>
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	<p>According to the applicant's civil engineering report, it is noted that:</p> <p>The proposed development has an existing watermain connection to the existing public watermain located on site. No change in the water demand is proposed, hence, no additional works for watermain is proposed.</p>

Others?			None.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Transitional <sup>1</sup>	60m	Garavoge Estuary	SW 2016-2021 Moderate	Review	Urban	Surface run-off
Groundwater <sup>2</sup>	0m	Drumcliff-Strandhill	GW 2016-2021 Good	Not at risk	Urban	Infiltration to groundwater

<sup>1</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_WE\\_470\\_0100?\\_k=uxmuto](https://www.catchments.ie/data/#/waterbody/IE_WE_470_0100?_k=uxmuto)

<sup>2</sup> [https://www.catchments.ie/data/#/waterbody/IE\\_WE\\_G\\_0044?\\_k=yb71w8](https://www.catchments.ie/data/#/waterbody/IE_WE_G_0044?_k=yb71w8)

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination*</b> <b>* to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Transitional	Garavoge Estuary	Direct/Indirect pathway to hydrological environment via potential direct discharge to the	Siltation, pH (concrete), hydrocarbon spillages.	Standard construction practice, submission of a CEMP, section 8 refers and includes: <ul style="list-style-type: none"> <li>management of soils,</li> </ul>	No.	Screened out.

			local drainage network (out of an abundance of caution scenario) or stormwater drainage.		<ul style="list-style-type: none"> <li>re-fuelling of machinery and chemical handling,</li> <li>control of water during the construction phase treatment of discharge water where required.</li> </ul>		
2.	Ground	Drumcliff-Strandhill	Direct/Indirect pathway is possible.	Hydrocarbon spillages.	As Above	No.	Screened out.
<b>OPERATIONAL PHASE</b>							
1.	Transitional	Garavoge Estuary	Existing municipal drainage system.	Hydrocarbon spillages.	Once complete, the development will provide a dedicated storm water drainage system will be provided to pick up surface water run-off from roofs and hardstand areas.	No.	Screened out.



2.	Ground	Drumcliff-Strandhill	Existing municipal drainage system.	Hydrocarbon spillages.	As Above	No.	Screened out.
<b>DECOMMISSIONING PHASE</b>							
	Permanent planning permission is being sought for this development. Therefore, it is intended that the Proposed Development will be retained as permanent and will not be decommissioned.						