



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321239-24

<b>Development</b>	Construction of an automotive wholesale and warehousing premises and all associated site works.
<b>Location</b>	Drumaskibbole, Carraroe, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	2460138
<b>Applicants</b>	Francis Kelly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. Sean Davey</li><li>2. Deirdre Davey</li><li>3. Paul Davey</li><li>4. David Davey</li></ol>
<b>Observers</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2025
<b>Inspector</b>	Jim Egan

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## **1.0 Site Location and Description**

- 1.1. The site, with a stated area of c. 0.797ha, is located on the east side of the Old Dublin Road / L3608 in the townland of Drumaskibbole, c. 4km south of the urban core of Sligo town and c. 1.3km south of the urban boundary of the town.
- 1.2. The surrounding area can be described as being predominantly rural in nature comprising farmland and rural dwellings however there are also light industrial uses located intermittently along the Old Dublin Road, including a car dealership adjoining the appeal site and a relatively large business park further south.
- 1.3. There is a walking track on the east side of Old Dublin Road, becoming a more formalised urban standard footpath c. 400m to the north of the site. The track / footpath provides a continuous pedestrian link between the appeal site and Sligo town to the north. The speed limit on the Old Dublin Road in the vicinity of the site is 60 km per hour, noting speed limit changes which took effect in February 2025.
- 1.4. The site is bounded to the west by the Old Dublin Road and a residual piece of land within the same ownership, to the north / northeast by a cul-de-sac laneway which provides access to farmland and 4 no. dwellings, and to the southeast / south by an existing car dealership.
- 1.5. The site has a downward slope at the front / western end and plateaus to the rear. The site currently comprises an agricultural field with an existing farm entrance onto the Old Dublin Road. The front boundary to the Old Dublin Road comprises a timber post and rail fence, with all other boundaries comprising mature rural type hedgerows with intermittent trees.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for a wholesale and warehousing premises to comprise the following:
  - Construction of a c. 1001sq.m. wholesale /warehouse unit
  - Hard-standing areas to include for parking, roads, and turning heads
  - Connection to public mains services
  - Upgrade to existing site entrance and formation of new access road

- Company sign on building
- The proposal of a new wastewater treatment system and percolation area
- Site lighting and site services
- Bin compound, bicycle provision, boundary treatments
- all other associated ancillary site works

Further information received by the planning authority on the 27<sup>th</sup> September 2024 did not include any changes to the site layout or building design, rather comprised further supporting documentation requested by the planning authority.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.2. By order, dated 21<sup>st</sup> October 2024, the planning authority decided to grant permission for the proposed development subject to 10 no. conditions.
- 3.3. Condition 2 required submission of a revised site layout plan to show an active travel crossing facility at the proposed entrance. Condition 4 required the recommendations of submitted Stage 1 & 2 Road Safety Audits to be complied with in full and that a Stage 3 Road Safety Audit is to be carried out on completion of the project. Condition 5 relates to the requirement for pre-development archaeological testing. Condition 8 relates to on-site wastewater treatment. Condition 9 relates to signage and Condition 10 restricts all parking and deliveries to within the site.

#### **3.4. Planning Authority Reports**

##### **3.4.1. *Planning Reports***

The initial planners report dated 18<sup>th</sup> June 2024 recommended that 10 no. items of further information be sought. These items of further information requested are summarised below:

1. Clarification on the nature of the proposed business having regard to the land use zoning objective.
2. Traffic and Transport Assessment.

3. Road Safety Audit.
4. Cross sections showing existing and proposed land levels.
5. Clarification on trade effluent.
6. Clarification whether vehicle maintenance will be carried out and details on management of associated waste fuel oils.
7. Clarification on storage of hazardous materials or waste.
8. Details of competent technical professional to install wastewater treatment system.
9. Longitudinal sections through the wastewater treatment system.
10. Revised site layout plan to show minimum separation distances between proposed soak-pit system and wastewater treatment system.

Further information was received on the 27<sup>th</sup> September 2024.

The planners report dated 18<sup>th</sup> October 2024 considered that all items of further information had been adequately addressed and recommended that permission be granted subject to conditions.

#### 3.4.2. *Other Technical Reports*

Environment Section: Report, dated 23<sup>rd</sup> May 2024, recommended that further information be sought, corresponding directly with Items 5 to 10 on the planning authority's request for further information. The report also recommends that the applicant submit a site-specific construction and environmental management plan and details of an on-site construction phase compound. I note that Condition 8 on the planning authority's decision refers to the construction stage.

Report, dated 10<sup>th</sup> October 2024, received in respect of submitted further information, raised no further objection subject to conditions.

Area Engineer: Report, dated 14<sup>th</sup> October 2024, received in respect of submitted further information, recommended that further information be sought with regards traffic and road safety issues. The planner's report, dated 18<sup>th</sup> October 2024, acknowledged the report and having regard to the submission by the applicant of a RSA and TTA, considered that any issues could be dealt with by condition.

Road Design: Report, dated 7<sup>th</sup> October 2024, received in respect of submitted further information, raised no objection to the proposal and recommended the inclusion of a condition to require an active travel crossing facility at the site entrance. Condition 2 on the planning authority's decision refers.

### **3.5. Prescribed Bodies**

Department of Housing, Heritage and Local Government: Report dated 31<sup>st</sup> May 2024 raised no objection subject to conditions relating to pre-development testing (Archaeology).

### **3.6. Third Party Observations**

11 no. observations were received during the initial statutory consultation period, including from residents in the vicinity and an observation made on behalf of Kevin Egan Cars, a car dealer on land that adjoins the site. Observations can be summarised as follows:

- Proposal description is misleading. Presence of two-bay fitting area suggests a workshop for fitting and testing, with vehicles exiting in a direction that faces the location of adjoining dwellings.
- Intended use should be conditioned.
- Noise and vibration impact (fitting parts and testing high performance cars and HGV deliveries) on adjoining dwellings on the laneway to the north / northeast and also on livestock. No evidence of noise mitigation measures.
- Noise during construction stage.
- Light and glare pollution impacting adjoining dwellings to the north / northeast.
- Loss of sunlight to adjoining dwellings to the north / northeast by reason of the height and location of the proposed warehouse.
- Loss of privacy to adjoining dwellings to the north / northeast.
- Proposed warehouse, by reason of its height and location, would dominate skyline, block views and cause adverse visual impact. Not in keeping with previous developments in the area in terms of excavating down to reduce visual impact.

- Adjoining laneway presents potential access for break-ins to the proposed development, which poses a security risk to residents on the laneway.
- Traffic and road safety impact including on residents of adjoining laneway associated with vehicles parking on the Old Dublin Road outside of business hours and the nature of high-performance cars accessing the site.
- Traffic impact of proposed entrance in close proximity to entrances to Kevin Egan Cars premises. No right turning lane on the Old Dublin Road for traffic approaching from the south. Significant turning movements into Molly Fulton's restaurant further north on the Old Dublin Road.
- No measures to prevent children or wildlife, including deer, from accessing the proposed development.
- Details required on gradient of proposed access road and drainage of same.
- Impact of proposal on local drainage.
- No details provided on a car washing facility, and associated management of wastewater / detergent.
- No construction management plan submitted.
- Management oil and chemical emissions not addressed.
- Environmental Impact Assessment required. Groundwater flows towards an area containing streams, ponds and waterbird wildlife.
- No consideration for archaeology.
- Details required on boundary treatment.
- Limited landscaping / screening, particularly on the northeast side.
- Potential structural damage to adjoining dwelling during construction stage.
- Development is pre-mature pending commencement / completion of Carraroe Main Drainage Scheme Phase 2 (and referring to previous An Coimisiún decision on the site – PL 18.234827).
- Proposed business would be better located in a commercial area.



## 4.0 Planning History

### 4.1. Appeal Site

**P.A. Ref. 08931 / ABP Ref. PL21.234827** – refers to a 2010 refusal of permission for 14 no. light industrial units in 3 no. blocks. The site included the appeal site and also the Kevin Egan Cars site to the south.

There were two reasons for refusal, the first relating to the lack of sewerage mains serving the site and the second relating to the deficiency in car parking and deficiency in spaces for delivery trucks and access route to loading bays.

### 4.2. Surrounding Area

#### Adjoining site to the south (Kevin Egan Cars)

**P.A. Ref. 16290** – refers to a 2017 grant of permission for Phase 1 – temporary showroom (for two-year period), new entrance, car parking, on-site wastewater treatment system, and Phase 2 – main showroom, workshop, multimedia room and valet building.

**P.A. Ref. 18353** – refers to a 2019 grant of permission for the construction of a used car prep building (c. 510 sq.m) – located at the rear / east end of the property.

**P.A. Ref. 209** – refers to a 2021 grant of a one-year temporary permission for the temporary showroom granted under Ref. 16290.

**P.A. Ref. 21477** – refers to a 2022 grant of permission for a new car sales showroom (c. 907sq.m) and ancillary works, comprising alterations to the permission granted under Ref. 16290.

## 5.0 Policy Context

### 5.1. Revised National Planning Framework, 2025

The National Planning Framework (NPF) is the Government's high level strategic plan for shaping the future growth and development of Ireland to 2040. The Revised NPF takes account of changes that have occurred since the publication of the first NPF in

2018. Of relevance to Sligo town and the appeal is that the revised NPF continues to target the Northern and Western Region to grow to 1 million persons by 2040, equating to an additional 150,000 persons over the 2022 Census figure. The revised NPF continues to identify Sligo as a Regional Centre, having a key role in the growth of the region.

The NPF identifies that the presence of strong employment sectors such as Pharma and Engineering, Higher Education Institutes (HEIs), cultural institutions and health services indicate latent capacity for Sligo to enhance its regional role, and that this can be achieved through building critical mass of population and further employment, in tandem with enhanced accessibility and quality of life.

Relevant policy objectives are as follows:

**National Policy Objective 5** The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda-Dundalk-Newry cross-border networks will be supported in the relevant Regional Spatial and Economic Strategy and in Regional Enterprise Plans.

**National Policy Objective 13** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

## **5.2. Climate Action Plan**

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

### **5.3. National Biodiversity Action Plan (NBAP) 2023-2030**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows:

Objective 1 Adopt a whole of government, whole of society approach to biodiversity

Objective 2 Meet urgent conservation and restoration needs

Objective 3 Secure nature's contribution to people

Objective 4 Enhance the evidence base for action on biodiversity

Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives

### **5.4. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020**

This RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF). The vision of the RSES is to play a leading role in the transformation of the region into a vibrant, connected, natural, inclusive and smart place to work and live.

Under the RSES, Sligo town is designated as a 'Regional Growth Centre' aligning with its designation as a Regional Centre under the NPF. The RSES recognises that Sligo has the vision and capacity to be a Regional Growth Centre of scale, targeting a population in the principal urban area of the town of at least 27,200 persons by 2040, which equates to 40% growth above the 2016 Census figure. Within Sligo, the RSES seeks to prioritise new residential and employment related development on greenfield sites in the areas served by the Western Distributor Road.

The following policy objectives are specific to Sligo town:

**RPO 3.7.39** Ensure that at least 40% of new residential and employment-related development in the Regional Growth Centre occurs within Sligo's existing built-up urban area, through regeneration and consolidation on infill and brownfield sites.

**RPO 3.7.45** The Assembly supports the retention of existing agricultural land within the RGCS boundary for that purpose unless it is subject to objectives for the zoning of lands for particular purposes (whether residential, commercial, industrial, recreational, as open space or otherwise) in a statutory plan. Only in exceptional

circumstances would it support the development of new residential, industrial or commercial uses on unserviced greenfield sites and these shall be defined through the statutory plan-making process.

**RPO 3.7.53** Encourage new companies to locate on lands zoned for business and enterprise at Ballytivnan and Rathbraughan, to the North of the Urban Core.

**RPO 3.7.57** Seek an increase in the number of jobs in the Regional Growth Centre to 17,000 by 2040.

## **5.5. Sligo County Development Plan 2024-2030**

The Sligo County Development Plan 2024-2030 took effect on 11<sup>th</sup> November 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on 8<sup>th</sup> November 2024 and relates to land use zonings in a number of settlements, including 6 no. parcels of land in Sligo town, and separately to text relating to access onto national primary roads. I am satisfied that the Draft Ministerial Direction has no direct implications for the appeal site.

Chapter 4 (Sligo Regional Growth Centre Strategic Plan - RSES), Chapter 5 (Settlement Strategy), Chapter 7 (Economic Strategy), Chapter 24 (Natural Heritage), Chapter 28 (Economic Development), Chapter 30 (Water Services) and Chapter 33 (Development Management Standards) of the County Development Plan are all considered relevant.

### Chapter 4 (Sligo Regional Growth Centre Strategic Plan - RSES)

**SP-RGC-1** Support population, housing and employment growth in Sligo RGC to achieve the targets set in the RSES (2020) and subsequent reviews.

### Chapter 5 (Settlement Strategy)

**SP-S-1** Pursue the accelerated and compact development of Sligo Town as a Regional Growth Centre and economic driver for the North-West region.

### Chapter 7 (Economic Strategy)

**SP-ED-1** Ensure that sufficient, serviced and suitable land is reserved for new enterprise development at key locations in Sligo Town, Tobercurry, Ballymote and

Enniscrone, and promote the Support Towns as secondary employment centres, after Sligo Town.

#### Chapter 24 (Natural Heritage)

**P-BD-4** Minimise adverse impacts of proposed developments on existing habitats (whether designated or not) by including mitigation and/or compensation measures as appropriate. This shall comprise the retention and enhancement of all possible existing habitats, vegetation and breeding sites in the early design stages of the development.

**P-BD-7** Require development proposals on sites of 0.5 ha and over to retain existing high-quality ecological features and demonstrate a site-specific biodiversity net gain (BNG), indicating how the approach to development will leave the natural environment in a measurably better state than it was beforehand. The same approach will be encouraged, although not required, on sites under 0.5 ha.

The biodiversity net gain (BNG) shall consist of the enhancement and restoration of existing habitats or the creation of new areas for wildlife, where the biodiversity value of the site is low or non-existent (e.g. certain brownfield sites).

#### Chapter 28 (Economic Development)

**P-BIE-1** Support the consolidation of existing business/enterprise parks, their extension where necessary, and the provision of new enterprise centres in Ballymote, Enniscrone and Tobercurry in addition to Strandhill.

**P-BIE-4** Consider development proposals for business or enterprise outside designated zones only where all of the following criteria are met:

- A. the proposed use has locational requirements that can only be accommodated in a rural area and this has been demonstrated to the satisfaction of the Planning Authority;
- B. the resultant development is of a size and scale that does not impact negatively on the character and amenity of the surrounding area;
- C. the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan;

- D. the proposal does not conflict with the requirement to safeguard the strategic function, safety and investment in the strategic national road network to date, and is in compliance with the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities'

In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the capacity of the access roads, and would not require improvements that might affect the character of these roads.

**P-RED-4** Encourage the growth or expansion of existing rural based or well-established small-scale industry and enterprise in rural County Sligo. Where an existing rural-based enterprise proposes to expand in its current location, it will be necessary to demonstrate that such expansion can be accommodated without damage to the environment, natural or built heritage, human health, visual and residential amenity, and that it will not have a negative impact on the character of the area.

#### Chapter 30 (Water Services)

**P-WWT-5** All proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the Environmental Protection Agency's 2021 Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) and/or Treatment Systems for Small Communities, business, Leisure Centres and Hotels, (EPA, 1999) as amended, and any guidance documents issued by the County Council.

#### Chapter 33 (Development Management Standards)

33.2.2 Impact of development on its surroundings

33.2.5 Surface water drainage

33.2.7 On-site wastewater treatment systems

33.7.5 Industry, wholesale and repository warehousing

## **5.6. Natural Heritage Designations**

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Ballysadare Bay SAC (Site Code: 000622), c. 1.8km southwest of the site
- Lough Gill SAC (Site Code: 001976), c. 2.4km northeast of the site
- Ballysadare Bay SPA (Site Code: 004129), c. 1.8km southwest of the site
- Cummeen Strand SPA (Site Code: 004035), c. 4.6km north of the site

The Ballysadare Bay pNHA (Site Code: 000622), is c. 1.8km to the southwest, the Union Wood pNHA (Site Code: 000638) is c. 2.3km to the south, the Ballygawley Lough pNHA (Site Code: 001909) is c. 2.4km to the southeast, the Lough Gill pNHA (Site Code: 001976) is c. 2.4km to the northeast, and the Cummeen Strand/Drumcliff Bay (Sligo Bay) pNHA (Site Code: 000627) is c. 4.3km to the north.

## **5.7. Grounds of Appeal**

5.7.1. 4 no. third party appeals were received against the decision of the planning authority to grant permission, as follows:

1. Sean Davey, Suaimhneas, Drumiskabole, Ballisodare, Co. Sligo
2. Deirdre Davey, Sancta Maria, Drumiskabole, Carraroe, Co. Sligo
3. Paul Davey, Bothúna, Spiddal, Co. Galway
4. David Davey, 2 The Cleavelands Courtyard, Cleavelands Drive, Cheltenham, Gloucestershire, UK

5.7.2. For context, and with reference to the appeal submissions, Deirdre Davey's residence shares a boundary with the site on the site's southeast corner and is accessed off the eastern end of the laneway that runs, in part, parallel to the north / northeastern boundary of the site. Sean Davey's residence is located due north / northeast of the site, accessed off the same laneway. Paul Davey and David Davey are both stated to be landowners in the vicinity of the site.

5.7.3. The concerns raised in the appeals are broadly similar to the content of the observations made to the planning authority and are summarised below.

### **Procedural Issues**

- Planner's reports contained a number of errors and omissions including that first planner's report as referred to in the second planner's report (further information stage) was not available on the online planning portal; that a

previous refusal of permission was not referenced in the planning history section; that the locational context of the nearest dwelling was misrepresented; and that the number of submissions received was referenced incorrectly.

#### Proposed Use

- Description of proposal is misleading. Presence of two-bay fitting area suggests a workshop for fitting and testing, with vehicles exiting in a direction that faces the location of adjoining dwellings.
- Potential for future planned showroom.
- Availability of alternative locations. Reference made to high commercial vacancy rate in Co. Sligo.

#### Residential Amenity

- Noise impact and vibration associated with fitting parts and testing high performance cars and HGV accessing the site for deliveries. Existing boundary hedgerows not sufficient to mitigate noise pollution. No mitigation measures proposed.
- Light and glare pollution impacting adjoining dwellings. Existing boundary hedgerows not sufficient to mitigate light pollution. No mitigation measures proposed.
- Loss of natural light and sunlight to adjoining dwellings by reason of the height and location of the proposed warehouse.
- Loss of privacy to adjoining dwellings. Existing boundary hedgerow, particularly during winter months, is not sufficient to mitigate this concern.
- Proposed warehouse, by reason of its height and location, would dominate skyline, block views and cause adverse visual impact on adjoining dwellings. No effort to mitigate through excavation or lower height design. Not in keeping with previous developments in the area in terms of excavating down to reduce visual impact.



### Traffic and Road Safety

- Traffic and road safety concerns associated with the proposed use, specifically high-performance cars accessing the site. Use would be better suited in a speed-controlled environment.
- Assessment does not consider implications of future showroom nor does it consider collision data.
- Traffic and road safety concerns associated with vehicles associated with the proposed development parking on the Old Dublin Road outside of business hours.

### Landscaping and Boundary Treatments

- Retention of boundary hedgerows benefit wildlife, same should be conditioned.

### Services / Infrastructure

- Development is pre-mature pending commencement / completion of Carraroe Main Drainage Scheme Phase 2 (and referring to previous An Coimisiún decision on the site – PL 18.234827).
- Impact of proposal on current drainage of adjoining dwellings and laneway.

### Other Issues

- Potential structural damage to adjoining dwelling during construction stage.
- Noise and light impact on livestock in the vicinity.

## **5.8. Applicant's Response**

An Coimisiún has received a response on behalf of the applicant to the 4 no. third-party appeal and includes a supporting statement from the applicant. The relevant points of the response are summarised below.

### Procedural Issues

- Further information was not deemed significant, hence no submissions period. Planner's reports available on the website. Planner's report refers to nearby dwellings. The reference to the Kevin Egan Cars observation is a matter for the planning authority however all relevant concerns were considered.

## Proposed Use

- The applicant, FK Performance Motors, is a local rural business established in 2009 and currently operates at a residential property on the R284, c. 600m (as the crow flies) east of the appeal site.
- The nature of the business is online sale of car parts and accessories including wipers, lights, wind deflectors, mats, seat covers, spoilers, bumpers, alloy wheels.
- 90% of sales / transactions are conducted on-line, i.e. without customers attending the premises.
- The proposal is not for a car showroom. The inclusion of a two-bay fitting area does not equate to a full-scale workshop or garage, rather complements the primary business by allowing on-site installation services. The primary focus remains storage and distribution.
- With specific reference to CPD Policy P-BIE-4, the applicant's response makes the following statements:
  - The applicant has an operational need to construct a purpose-designed wholesale warehouse premises, with adequate parking and circulation space for vehicles, and overall site operational requirements, and access to national road network.
  - The proposal is tailored to specific operational requirements that cannot be met by existing vacant units. The applicant has chosen this site because it suits their business model and logistical needs. With regards the availability of 'alternative' sites, the applicant refers to a UK Supreme Court decision in *Tesco v Dundee City Council*, under which the word 'alternative' has been deemed to mean 'suitable for the development proposed by the applicant'.
  - The appeal site is the only parcel of land available for expansion. Other lands in the Sligo environs are not suitable on commercial or operational grounds having regard to *Tesco v Dundee City Council*.
  - It is not good planning to not facilitate growth of a local business on land which is already owned.

- The availability of other commercial premises or lands is not relevant to this appeal given the investment by the applicant in the site (purchase of site and planning process) to facilitate co-location alongside the adjacent car showroom.
- Appeal site is located adjacent to a car dealership. It is good land use planning to achieve synergy with local businesses. The application must be assessed in the context of co-location land use principles.

#### Residential Amenity

- Acceptable separation distance is achieved with respect to light and overshadowing concerns.
- Proposed building is orientated to the southwest, away from appellants' dwellings. The proposed warehouse will use low-impact lighting, such as cowled and bollard sensor lights, particularly along the northern side of the site facing the appellant's dwellings.
- Hours of operation can be controlled by condition as a measure to mitigate noise concerns. Deliveries will take place on the northern end of the site, away from residential properties. The business does not use air compressors, hydraulic lifts or impact wrenches.
- Hedgerow will be retained and be augmented by condition.
- Proposal integrates alongside the adjacent commercial development.
- Landscaping and boundary treatments mitigate visual impacts and privacy concerns.

#### Traffic and Road Safety

- Refers to the submitted Traffic and Transport Assessment (TTA) and Road Safety Audit, and assessments of planning authority. The TTA shows the proposal to be a low trip generator with a negligible impact on the local road network.

#### Services / Infrastructure

- Drainage proposal submitted and approved by the local authority. OPW CFRAM study does not identify this to be an area liable to flooding.

### Structural concerns during construction

- Adequate separation distances to boundary and nature of proposal including no retaining structures or walls near the boundary.

## **5.9. Planning Authority Response**

A response, received on the 27<sup>th</sup> November 2024, refers An Coimisiún to the planner's report and other reports prepared in connection with the assessment of the application and the notes that the planning authority's decision was made under the Sligo County Development Plan 2017-2023, being the statutory plan in force at that time. The planning authority acknowledges that the new County Development Plan, 2024-2030, is now in force and under that CDP the site is located in the rural area, outside the development limits of Sligo Town and thus not zoned. The planning authority outlines policies of the new CDP with relation to economic activities in rural areas, including farm diversification (Policy P-RED-1 and P-RED-2), remote working (Policy P-RED-3), growth / expansion of existing rural based or well-established small-scale industry and enterprise (Policy P-RED-4) and organic farming (Policy P-RED-5). The planning authority also refers to provisions and policy on wastewater management, biodiversity and designated sites. The planning authority requests An Coimisiún to uphold the decision to grant permission.

## **5.10. Observations**

None

## **6.0 Assessment**

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Visual Impact
- Residential Amenity

- Road and Traffic Safety
- Other Matters

The issues of EIA, Appropriate Assessment and Water Framework Directive screening also need to be addressed.

## **6.1. Principle of Development**

- 6.1.1. The planning authority assessed the application against the provisions of the Sligo County Development Plan (CDP) 2017-2023 (extended to 2024) and, by association, land use zonings for Sligo Town and its environs as contained in the Sligo and Environs Development Plan 2010-2016 (as varied). Referring to the planner's reports, at the time of the decision, the appeal site was zoned *WILT – Waste Management, Industry, Logistics, Transport-related uses* under the Sligo County Development Plan 2017-2023 (extended to 2024).
- 6.1.2. The planning authority's decision was dated 21<sup>st</sup> October 2024. The Sligo CDP 2024-2030 came into effect on the 11<sup>th</sup> November 2024.
- 6.1.3. A Sligo Town Plan and associated zoning and objectives maps are contained under Chapter 10 (Urban Development) in the CDP 2024-2030. Having regard to the zoning map for Sligo Town, the appeal site is located outside the Development Limit and Plan Limit for Sligo Town and is thus located in the rural area and not zoned.
- 6.1.4. The applicant is seeking permission to construct a new wholesale warehouse premises on a greenfield site in the rural area. Grounds of appeal broadly relate to residential amenity and road safety issues and in this context contend that there are more suitable locations for the development in the form of vacant units and alternative locations.
- 6.1.5. The applicant's appeal response outlines that he is currently operating out of a domestic garage on a residential property located on the R284 c. 600m due east of the appeal site and that the new premises is required to allow growth of the business.
- 6.1.6. The planning authority's response to the appeal notes that the current CDP has since taken effect and that the site is now located in the rural area outside of the Sligo town development boundary. In the response, the planning authority also outlines the provisions of the current CDP which it considers relevant to the application, including

5 no. rural enterprise diversification policies set out under Chapter 28 (Economic Development) of the CDP. Four of these policies (P-RED-1, P-RED-2, P-RED-3 and P-RED-5) relate to farm diversification, remote working and organic farming, thus, in my view, not relevant to the proposal.

6.1.7. Policy P-RED-4 seeks to encourage the growth or expansion of existing rural based or well-established small-scale industry and enterprise in rural County Sligo. In this case, the applicant states that he is currently operating a wholesale car parts warehousing and distribution business from a domestic residence. In the context of the current location of the business being a residential property, and with no record of a grant of permission for the wholesale and warehouse use, it is my view that the existing business could not reasonably be categorised as a rural based or well-established small-scale industry or enterprise. Therefore, I do not consider that Policy P-RED-4 is relevant.

6.1.8. As a point to note, Section 28.1.3 of the CDP relates specifically to land south of Sligo town formerly zoned '*WILT – Waste Management, Industry, Logistics, Transport-related uses*'. The lands are identified as being lands at Carrowroe and Belladrehid, between the N4 (Dublin Road) and the L-3608 (Carrowroe to Ballysadare Road), and would, in my view, include the appeal site. The CDP states that these lands are not serviced and Uisce Eireann has no plans to service these lands during the life of the Development Plan 2024-2030 but that the area has excellent road access and is a suitable location for activities which require substantial sites, not available in the built-up urban area. Whilst this section of text is noted, the land is located in a rural area, outside a settlement boundary and is not zoned.

6.1.9. In terms of use, the most relevant CDP policy, in my view, is Policy P-BIE-4 (Chapter 28 – Economic Development), which seeks to consider development proposals for business or enterprise outside designated zones only where **all** of the following criteria are met:

- A. the proposed use has locational requirements that can only be accommodated in a rural area and this has been demonstrated to the satisfaction of the Planning Authority;
- B. the resultant development is of a size and scale that does not impact negatively on the character and amenity of the surrounding area;

- C. the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan;
- D. the proposal does not conflict with the requirement to safeguard the strategic function, safety and investment in the strategic national road network to date, and is in compliance with the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

The policy also states that in all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the capacity of the access roads, and would not require improvements that might affect the character of these roads.

- 6.1.10. The response to the third-party appeals, submitted on behalf of the applicant, sets out how the proposal is consistent with the requirements of this policy.
- 6.1.11. Under criterion A of Policy P-BIE-4 the applicant must demonstrate that the proposed use has a locational requirement that can only be accommodated in a rural area.
- 6.1.12. In addressing this criterion, the applicant has placed significant emphasis on the appeal site being the only suitable site for the proposed business by reason of the operational requirements of the business, including parking and circulation of vehicles and access to national road network. The applicant contends that there are no other suitable alternative sites available in the Sligo Environs. In this regard, the applicant refers to a UK Supreme Court decision in *Tesco v Dundee City Council*, under which the word 'alternative' has been deemed to mean 'suitable for the development proposed by the applicant'. By reference to that Supreme Court case, which includes consideration of the sequential test for retail developments, the applicant seeks to establish that An Coimisiún should place greater emphasis on the development site parameters required by the applicant, contending that the appeal site is the only suitable available site that meets the applicant's operational requirements.
- 6.1.13. In my view, the first criterion of Policy P-BIE-4 is not about evaluating suitable alternative sites in a fashion similar to the 'sequential test' for retail development, rather it is focused on facilitating uses which have a locational requirement that can only be accommodated in a rural area. The proposed use comprises the warehousing

and wholesale of car-parts with a stated 90% of transactions completed on-line where products are picked up from the warehouse and delivered to customers by courier. The remaining element of trade involves on-site customer sales. Based on the information provided in the application and appeal response, I am not satisfied that the applicant has demonstrated that the proposed use has a locational requirement that can only be accommodated in a rural area.

6.1.14. On a macro level, National, regional and local planning policy supports Sligo town to develop as a regional growth centre of scale. Whilst the site is not located within the Sligo town development boundary, it is located within the boundary of the Sligo Regional Growth Centre Settlement Plan (RGCSP) as defined and mapped under the Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020. Regional Policy Objective RPO 3.7.45 of the RSES supports the retention of existing agricultural land within the RGCSP boundary for that purpose unless it is subject to objectives for the zoning of lands for particular purposes. Chapter 4 of the current CDP outlines how the CDP is consistent with the RSES with respect to the RSES strategy for the Sligo RGCSP and with regards RPO 3.7.45, outlines that within the RGCSP boundary lands are zoned for development within Sligo Town, Ballysadare, Strandhill and Rosses Point and that the CDP includes adequate provisions to generally retain the current agricultural use on all greenfield lands located outside the development limits of the four zoned settlements.

6.1.15. In this regard, under the land-use zoning matrix (Chapter 10 of the CDP), the land use 'Warehousing - wholesale / repository', which, for all intents and purposes is the use that the applicant is proposing, is a use type that is normally permitted on land zoned '*BIE – Business, Industry, Enterprise*' which is the main employment zone for towns including Sligo town and also on land zoned '*TU – Transport and Utilities Infrastructure*' and also a use which is open for consideration on land zoned '*MU – Mixed Uses*' and '*RV – Rural Village*'. In my view, and as outlined in Chapter 4 of the CDP, the planning authority, through land use zoning, has made sufficient provision for new employment and enterprise related development, such as the proposal in this case, to locate within the development boundaries of serviced settlements.

6.1.16. Notwithstanding this, I would reiterate my view that Policy P-BIE-4 is not concerned so much with availability of suitability zoned sites, rather the demonstration by the applicant that the proposed use can only be carried out in a rural area. By reason of



the nature of the proposed development for wholesale and warehousing of car parts and having regard to the documentation submitted with the application and appeal response, I am not satisfied that the applicant has demonstrated that the proposed use has locational requirements that can only be accommodated in a rural area. The proposed development is therefore contrary to Policy P-BIE-4 of the Sligo County Development Plan 2024-2030. I recommend that permission is refused on this basis.

- 6.1.17. Criterion B of Policy P-BIE-4 relates to the size and scale of the development and its impact on the character and amenity of the surrounding area. Visual amenity in terms of the character of the local area is discussed under Section 6.2 below while a more focused assessment of residential amenity with reference to the third-party appeals is discussed under Section 6.3.
- 6.1.18. Criterion C of Policy P-BIE-4 relates to traffic, public health, environmental and amenity considerations. Traffic and road safety is discussed under Section 6.4 below, whilst public health and environmental issues are discussed under Section 6.5 in respect of wastewater treatment and Section 8.0 in respect of appropriate assessment.
- 6.1.19. Criterion D of Policy P-BIE-4 relates to the requirement to safeguard the strategic function, safety and investment in the strategic national road network. The site is located on a local road and therefore, in my view, has no implications for the national road network.

## **6.2. Visual Impact**

- 6.2.1. As outlined above, Policy P-BIE-4 requires assessment of the proposal in terms of size and scale and its associated impact on the character and amenity of the surrounding area. The site adjoins a car dealership to the south / southeast and residential properties to the north / northeast. The proposed development includes the construction of a c. 1,000sq.m warehouse building with a shallow pitched roof ridge height of c. 8.8m and a finished floor level of c. +14.000m, relative to a level of c. +9.400m at the site entrance. The building would be positioned on a northwest / southeast axis and would be set back c. 80m from the public road, a setback which would appear to have been informed by the steep slope at the front of the site. A new access roadway from the Old Dublin Road would meander across the front of the site

towards the northeast corner of the proposed building. The proposal also includes landscaping and boundary treatment. By reason of the proposed layout including building design, height and material finishes, the relatively substantial building setback and landscaping scheme and the location of the site in the context of the car dealership on adjoining land, I consider that the proposal would not adversely impact on the established character or visual amenity of the area. Referring to the Land Characterisation Map contained in the CDP, the site is not located in a sensitive rural landscape, visually vulnerable area nor located on a scenic route.

### **6.3. Residential Amenity**

- 6.3.1. The main ground of appeal is that the proposal, by reason of scale, height and location of the warehouse and its associated use would cause an adverse impact on the residential amenity of adjoining dwellings located to the northeast / east of the site, in terms of loss of outlook and views, overshadowing, loss of light, loss of privacy and further impact from noise and lighting.
- 6.3.2. The proposed warehouse building has a floor area of c. 1,000sq.m and a length of c. 41.938m sited along a northwest / southeast axis and thus parallel to and within c. 16.217m of the southeastern site boundary. The proposed building has a shallow pitched roof with a ridge height of c. 8.8m, an eaves height of c. 6.979m, and a finished floor level of c. +14.00m.
- 6.3.3. The submitted site layout plan does not show the 3 no. existing single storey dwellings located to the northeast and east of the site, which, in my view, would have been helpful in evaluating the relationship between the proposed development and the existing built environment including assessing the potential impact on residential amenity. The only reference on the site layout plan to adjoining dwellings is the inclusion of a ridge height of +21.178 for the residence of Deirdre Davey (appellant no. 2), being the dwelling which is located closest to the site.
- 6.3.1. Plans submitted under P.A. Ref. 08931 / ABP Ref. PL21.234827, which pertains to a refusal of permission for development on the subject site, shows that the dwelling of appellant no. 2 has a finished floor level of c. +16.0m and a ridge height of c. +21.25m, which is generally consistent with the ridge height shown for that dwelling on the site layout plan for the current application. This indicates that the finished floor level of the

proposed warehouse, at c. +14.00m, would be c. 2m below that of the nearest dwelling.

- 6.3.2. This correlates with the submitted site layout plan and site sections, the latter submitted at further information stage, which shows a steady upwards slope in the site from south to north, and that by way of proposed level cutting on the northeast end of the site, the proposed building would sit marginally below the natural ground level. The proposal also includes retention of the boundary hedge and construction of a 2.4m high weld mesh fence aligned c. 7m in from the northeast / eastern site boundary.
- 6.3.3. During a site inspection I observed that appellant no. 2's dwelling fronts in a northwest direction back along the laneway with its rear elevation facing southeast and a driveway located on its southwestern side adjacent to the appeal site boundary. I also observed a mature hedgerow on the boundary with the appeal site, which continues along the site's boundary with the laneway. The dwelling of Appellant no. 1 is setback c. 40m from the northern side of the laneway and c. 54m from the boundary with the appeal site. There are two other single storey dwellings accessed off the same laneway, one adjacent to and with a similar building line as the dwelling of appellant no. 1 and another located on the northeastern end of the laneway, c. 75m northeast of the dwelling of appellant no. 2, and c. 90m from the appeal site boundary.
- 6.3.4. By reason of finished floor levels, ridge and eaves height of the warehouse, separation distances, intervening boundary treatment and siting context of existing dwellings, I consider that the proposed development would not have an adverse impact on the outlook or visual amenity of adjoining residents. In the applicant's personal statement submitted as part of the appeal response, it is a stated intention to supplement the northern boundary hedgerow with further tree planting. If An Coimisiún is minded to grant permission, I recommend that a condition is included which requires further tree planting within the northeast / east building setback to provide additional screening.
- 6.3.5. An appellant also refers to loss of a view by reason of the positioning of the proposed building. There are no protected views being interfered with by the proposed development. The appellant is not entitled to the preservation of a view in these circumstances.
- 6.3.6. Grounds of appeal include that the proposal, by reason of location and height, would result in a loss of sunlight and natural light to the dwelling of appellant no. 2. There are

no sunlight or daylight studies provided by the applicant or the appellants. However, by reason of the building height, finished floor level, separation distance to the boundary and the appellant's dwelling, along with the location and orientation of appellant's dwelling, I consider that the proposal would not adversely impact on residential amenity in terms of access to sunlight and daylight.

- 6.3.7. Grounds of appeal include that the proposal, by reason of the proximity of the building to the boundary and use of same, would result in a loss of privacy to the dwelling of appellant no. 2. The proposed building, while c. 6.979m to the eaves, is single storey with no windows on the northeastern elevation. Having regard to the submitted plans and other written documentation, activity along the northeastern side of the building will comprise access to the rear for loading / unloading, along with access doors including 2 no. roller shutter doors for access to 2 no. vehicle fitting areas. By reason of the building setback, existing boundary treatment and proposal for a 2.4m security fence to be located c. 7m in from the boundary, I consider that the proposal would not cause an adverse loss of privacy to the adjoining dwelling. As above in terms of outlook, additional planting within the boundary setback would increase natural screening.
- 6.3.8. Grounds of appeal also include that artificial lighting will cause loss of amenity to dwellings. The site layout plan shows the location of lighting along the northeastern boundary, orientated towards the building. In my view, potential sources of light pollution in the context of the adjoining dwellings are the internal lighting of the 2 no. vehicle fitting areas by reason of the c. 5m high openings on the northeastern elevation and also, and whilst not proposed, further high level lighting to the elevation of the warehouse. In this regard, if An Coimisiún is minded to grant permission, I recommend that a condition is included which requires a lighting plan to be agreed in writing with the planning authority and also that the use of the car fitting areas be restricted to the hours of 8am and 6pm.
- 6.3.9. Grounds of appeal also include that the proposed use, by reason of vehicles accessing the site and the process of fitting and testing of car parts, would result in noise pollution that would cause an adverse impact on adjoining residents. In a response to the appeal, the appellant outlines that 90% of sales / transactions are conducted on-line, i.e. without customers attending the premises, that the inclusion of a two-bay fitting area does not equate to a full-scale workshop or garage, rather complements the

primary business by allowing on-site installation services, and that the primary focus remains storage and distribution.

- 6.3.10. The applicant also outlines that there are currently 4 no. truck deliveries per week to the current premises with parts dispatched twice daily from that premises. The applicant currently operates the business from the garage of a domestic residence and as such the move to a much larger purpose-built premises has the potential to increase the volume of deliveries to and from the site. The appeal response outlines that the anticipated volume of transactions per day is 15 to 20 customers attending in person and c. 50 no. transactions per day on-line. Details of how this equates to daily HGV and courier trips to the site is not provided, noting that the submitted Traffic and Transport Assessment includes predicted traffic movements to and from the site for AM and PM peak hours only.
- 6.3.11. The proposal also includes 2 no. vehicle fitting areas. In response to the appeals with regards the use of these fitting areas, the applicant contends that the request to fit parts represents a small percentage of overall sales and that the business does not use air compressors, hydraulic lifts or impact wrenches.
- 6.3.12. Having regard to the nature of the business as a wholesale warehouse and as described in the submitted documentation along with the layout of the site, which provides for a clear hierarchy for vehicular movement, turning and loading, and having regard to the boundary treatment to the northeast and potential for supplemental tree planting, I consider that the proposal would not result in a level of noise pollution that would cause an adverse impact on the residential amenity of adjoining residents. However, having regard to the rural location of the site and the sensitivities associated with existing residential properties, I consider that if a permission was to be granted, that a condition be included that restricted all operations including deliveries to normal business hours.

### Conclusion

- 6.3.13. On the basis of the above, subject to conditions, I consider that the proposal would unlikely cause an adverse impact on the residential amenity of adjoining residents. However, I would reiterate that, in my view, the proposal is not acceptable in principle for the reason that the applicant has not demonstrated that the proposed use has locational requirements that can only be accommodated in a rural area, contrary to the

first criterion under Policy P-BIE-4 of the Sligo County Development Plan 2024-2030, and permission should be refused on this basis.

#### **6.4. Road and Traffic Safety**

- 6.4.1. Grounds of appeal include traffic and road safety concerns associated with the proposed use, specifically high-performance cars accessing the safety concerns associated with vehicles associated with the proposed development parking on the Old Dublin Road outside of business hours.
- 6.4.2. Policy P-BIE-4 also requires consideration of traffic and that in all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the capacity of the access roads and would not require improvements that might affect the character of these roads. The application includes a Traffic and Transport Assessment (TTA) and a Road Safety Audit. The proposed use comprises c. 90% online sales, therefore the majority of trips to and from the site are staff, deliveries and dispatches with limited in-person, on-site sales. The submitted TTA assesses peak hour trips, which are relatively minor by association with the nature of the use. Furthermore, all recommended measures to address problems identified in the road safety audit have been accepted by the applicant. On this basis, I am satisfied that the proposal would be unlikely to cause a road or traffic hazard.

#### **6.5. Other Matters**

##### Procedural Issues

- 6.5.1. Grounds of appeal include that the planning authority's planner's reports contained a number of errors and omissions including certain referenced reports not being available on the online planning portal; that a previous refusal of permission was not referenced in the planning history section; that the locational context of the nearest dwelling was misrepresented; that the number of submissions received was referenced incorrectly; and that submissions were not invited on further information received.
- 6.5.2. These issues are of a procedural nature, having no implications on my assessment of the proposed development.

### Site Suitability Assessment

- 6.5.3. Policy P-WWT-5 of the CDP requires that all proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the relevant EPA code of practice.
- 6.5.4. The applicant has completed a Site Characterisation Form that concludes the site is suitable for a secondary or tertiary treatment system. The proposal is to install a secondary / packaged treatment system and a purpose-built polishing filter, with a discharge route to groundwater. The system would have an 8 PE capacity, which coincides with other submitted documentation which states that the number of employees would be between 8 and 10. I note that within a trial hole excavated to a depth of 2.1m no ground water or bedrock was encountered. An average T-value of 36.55 and a subsurface percolation value of 45.20 were recorded.
- 6.5.5. I note that the depth of the trial hole at 2.1m is not compliant with the EPA's Domestic Waste Water Treatment Systems Code of Practice 2021, which states that where regionally important aquifers underlie a site the trial hole depth should be at least 3m (if possible) in order to prove that the existing vulnerability classification, as determined during the desk study, is correct. In this case, the assessor notes that neither bedrock nor water table were encountered at 2.1m and there is no reasoning provided for not continuing the trial hole to at least 3m. According to the code of practice, if the bedrock is met within 3m of the surface in such cases, when the existing vulnerability classification is 'high', 'moderate' or 'low', this vulnerability classification must be considered at a site level to be 'extreme', the implications being that a groundwater protection response of R2<sup>2</sup> may be required rather than R2<sup>1</sup>, with potential ramifications for the type and design of treatment system required. However, with reference to the code of practice, I note that the specific design of the proposed polishing filter meets the specifications required under the R2<sup>2</sup> response.

On the basis of the foregoing, I consider the proposed wastewater treatment system would be acceptable. The Council's Environment Section did not object to the proposed treatment system.

### Archaeology

- 6.5.6. There are no recorded monuments on the site nor does the site intersect with the zone of notification of any recorded monument. However the planning authority received a

submission from the Development Assessment Unit of the Department of Housing, Local Government and Heritage which noted that the proposed development is situated in an area where there are a high density of Recorded Monuments and given the location, scale and extent of the proposed development it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. As such, the department recommended the inclusion of a condition requiring pre-development archaeological testing. If An Coimisiún is minded to grant permission, and considering the greenfield nature of the site and having regard to the department's submission, I recommend that a condition as recommended by the department is included.

#### Construction Stage

- 6.5.7. A ground of appeal includes that the construction of the development may cause structural damage to adjoining properties. By reason of separation distances, and by reason of the nature of the proposed warehouse development, it is my view that the proposal would not include any particularly challenging construction methodologies that could pose an unacceptable risk to the structural integrity of existing dwellings in the vicinity.

#### Biodiversity and Livestock

- 6.5.8. A ground of appeal includes that all hedgerows should be retained. The proposal does not involve the removal of any hedgerows, rather proposes to plant additional trees along boundaries and within the site. As noted earlier in my report, the application was assessed by the planning authority against the relevant provisions of the 2017-2023 CDP, however under the current CDP, which has since taken effect, Policy P-BD-4 seeks to minimise adverse impacts of proposed developments on existing habitats, whether designated or not, by including mitigation and/or compensation measures as appropriate, whilst Policy P-BD-7 requires development proposals on sites of 0.5 ha and over to retain existing high-quality ecological features and demonstrate a site-specific biodiversity net gain (BNG). I consider that by reason of the retention of hedgerows and supplementing of same, the proposal is consistent with Policies P-BD-4 and P-BD-7 in this regard.
- 6.5.9. A ground of appeal also refers to noise impact on livestock in the vicinity. There is no evidence provided to substantiate this argument. Considering the nature of the use for



wholesale and warehousing and limited fitting of parts within the building, I consider that the proposal would have negligible impacts on livestock in the vicinity.

## **7.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **8.0 Appropriate Assessment**

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development, including intervening land uses, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Water Framework Directive**

Refer to Appendix 3. 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.

## **10.0 Recommendation**

I recommend that planning permission be refused for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

1. Under the Sligo County Development Plan 2024-2030, the proposed development site is located in a rural area, outside a settlement boundary and outside any designated land use zone. For development proposals for business or enterprise outside designated zones, Policy P-BIE-4 of the Sligo County Development Plan 2024-2030 requires that the proposed use has locational requirements that can only be accommodated in a rural area. By reason of the nature of the proposed development for wholesale and warehousing of car parts and having regard to the documentation submitted with the application and appeal response, An Coimisiún is not satisfied that the proposed use has locational requirements that can only be accommodated in a rural area. The proposed development is therefore contrary to Policy P-BIE-4 of the Sligo County Development Plan 2024-2030 and contrary to the proper planning and sustainable development of the area.

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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Jim Egan  
Planning Inspector

2<sup>nd</sup> July 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-321239-24
<b>Proposed Development Summary</b>	Construction of an automotive wholesale and warehousing premises and all associated site works.
<b>Development Address</b>	Drumaskibbole, Carraroe, 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.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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>	
<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	

<p>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><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10(b)(iv): Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

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

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

## Appendix 1 - Form 2

### EIA Preliminary Examination

<b>Case Reference</b>	ABP-321239-24
<b>Proposed Development Summary</b>	Construction of an automotive wholesale and warehousing premises and all associated site works.
<b>Development Address</b>	Drumaskibbole, Carraroe, Co. Sligo
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development comprises the construction of a wholesale and warehousing premises, including a new building of c. 1,001sq.m, on a greenfield site in the rural area, c. 1.3km outside of the urban development boundary of Sligo town.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would be connected to a public water supply. Mains sewer is not available at this location therefore the proposal includes the installation of an on-site wastewater treatment system. Stormwater would be directed to a soakaway system prior to discharge to a storm drain on the Old Dublin Road. The applicant confirmed at further information stage that the proposal does not include trade effluent generating activities.</p> <p>It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.</p>

<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	
<b>There is a real likelihood of significant effects on the environment.</b>	

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

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

## Appendix 2

### AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Case File: ABP-</b>	
<b>Brief description of project</b>	<p>Construction of an automotive wholesale and warehousing premises and all associated site works.</p> <p>See Section 2.0 of Inspector's Report.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development comprises the construction of a wholesale and warehousing premises, including a new building of c. 1,001sq.m, on a greenfield site in the rural area, c. 1.3km outside of the urban development boundary of Sligo town.</p> <p>The site is not located within or immediately adjacent to any designated site. The proposed development would be connected to a public water supply. Mains sewer is not available at this location therefore the proposal includes the installation of an on-site wastewater treatment system.</p> <p>Surface water would be attenuated on site via a soakaway system prior to discharge to a stormwater drain on the Old Dublin Road.</p> <p>There are no watercourses or other ecological features of note on or adjacent to the site that would connect it directly to European Sites in the wider area.</p> <p>The closest waterbody is a stream c. 200m to the southwest. Referring to the EPA mapping tool, the stream is part of the Carrowgobbadagh stream network, which flows in a southwest direction and discharges into the Ballysadare Estuary c. 2.5km to the southwest of the site.</p> <p>In this regard, I note that a 2017 permission for development on the adjoining site to the south (Kevin Egan Cars) included a surface water drainage system to comprise attenuated stormwater discharged via an underground pipe to an existing open roadside drain on the west side of the Old Dublin Road. Referring to the EPA mapping, that drain continues southwest towards the Ballysadare Estuary.</p>

	Whilst the current application does not provide details of the wider surface water drainage network, the site plan does indicate the fall north to south in the Old Dublin Road in the vicinity of the site, suggesting a gravity flow of surface water to the south, therefore it assumed that the surface water discharged from the appeal site would join the local open drain network that converges towards Ballysadare Estuary.			
Screening report	No.  Sligo County Council screened out the need for AA.			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2: Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 24th June 2025)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Ballysadare Bay SAC (Site Code: 000622)	Estuaries, mudflats, sandflats, dunes.  Whorl snail and harbour seal.  <a href="#">Conservation Objectives</a> NPWS, 2013	c. 1.8km to the southwest	No direct connection.  Weak indirect surface water connection.	Y
Lough Gill SAC (Site Code: 001976)	Vegetation, grassland, woods, forests.  Crayfish, lamprey, salmon and otter.  <a href="#">Conservation Objectives</a> NPWS, 2021	c. 2.4km to the southeast	No direct connection.	N
Ballysadare Bay SPA (Site Code: 004129)	Wintering water birds (5 no. species). Wetland and waterbirds	c. 1.8km to the southwest	No direct connection.	Y



	<a href="#">Conservation Objectives</a> NPWS, 2013		Weak indirect surface water connection.	
Cummeen Strand SPA (Site Code: 004035)	Wintering water birds (3 no. species). Wetland and waterbirds  <a href="#">Conservation Objectives</a> NPWS, 2013	c. 4.6km to the north	No direct connection.	N

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Ballysadare Bay SAC (Site Code: 000622)</p> <p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]</p>	<p>Direct:</p> <p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors.</p> <p>Intervening land and land uses, including the N4, provides a buffer which would dilute any minor emissions.</p> <p>Operational: foul water will be managed by way of a new on-site packaged treatment system. Surface water will be attenuated by a soak pits before discharge to public drain.</p>	<p>The nature of the site in terms of no direct ecological connections or pathways, and intervening land uses, including the Old Dublin Road, N4 and the Sligo-Dublin railway line, make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p> <p>Conservation objectives would not be undermined.</p>

Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Phoca vitulina (Harbour Seal) [1365]		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
<p>Ballysadare Bay SPA (Site Code: 004129)</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Grey Plover (Pluvialis squatarola) [A141] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]</p>	<p>Direct:</p> <p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors.</p> <p>Intervening land and land uses, including the N4, provides a buffer which would dilute any minor emissions.</p> <p>Operational: foul water will be managed by way of a new on-site secondary treatment system. Surface water will be attenuated by a soak pit system.</p>	<p>The nature of the site in terms of no direct ecological connections or pathways, and intervening land uses, including the Old Dublin Road, the N4 and the Sligo-Dublin railway line, make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.</p> <p>With respect to ex-situ factors, the Ballysadare Bay SPA <i>Conservation Objectives Supporting Document V1, October 2013</i>, outlines that several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas outside of the SPA but ecologically connected to it.</p> <p>Apart from the Light-bellied Brent Goose, the other listed waterbird species are considered totally reliant on wetland habitats due to unsuitable surrounding habitats and/or species limited habitat requirements. The light-bellied goose is deemed to be reliant on the site but highly likely to utilise</p>

		<p>alternative habitats at certain times (e.g. high tide).</p> <p>Considering the abundant availability of greenfield / grass land outside, but in the vicinity of, the Ballysadare Bay SPA along with the distance between the appeal site and Ballysadare Bay and the intervening and adjoining land uses, including light industrial, a railway line and a national road, the proposal is unlikely to have any significant ex-situ impacts on wintering water birds.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Ballysadare Bay SAC (Site Code: 000622) or Ballysadare Bay SPA (Site Code: 004129) or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ballysadare Bay SAC (Site Code: 000622) or Ballysadare Bay SPA (Site Code: 004129), or any other European site, in view of the conservation objectives of these

sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of the proposed development including measures to manage foul and surface water.
- Distances to the nearest European sites and the hydrological pathway considerations
- Intervening land uses
- No significant ex-situ impacts on wintering water birds.

### Appendix 3 – WFD Stage 1: Screening

#### WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

##### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	ABP-321239-24	<b>Townland, address</b>	Drumaskibbole, Carraroe, Co. Sligo
<b>Description of project</b>		Construction of an automotive wholesale and warehousing premises and all associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<ul style="list-style-type: none"><li>• Greenfield site within a rural area.</li><li>• No watercourse within the boundary of the site.</li><li>• The nearest waterbody is a stream (EPA Name: Carrowgobbadagh, EPA Code: 35C95) located c. 200m to the southwest of the proposed development site. The stream flows northwest to southeast under the Old Dublin Road before turning in a southwest direction, continuing for c. 1.6km before crossing under the N4 and Sligo-Dublin railway line and discharging into Ballysadare Bay.</li><li>• The proposed development site is located within the Sligo Bay Catchment, and the Carrowgobbadagh sub-catchment.</li><li>• The site is located in the Carrowmore West ground waterbody, in an area of high groundwater vulnerability.</li><li>• GSI Mapping shows that the soil at this location is underlaid by deep well drained mineral soil (mainly acidic).</li></ul>	

<b>Proposed surface water details</b>	Surface water would be attenuated on site via a soakaway system prior to discharge to a stormwater drain on the Old Dublin Road.
<b>Proposed water supply source &amp; available capacity</b>	The application states that mains water is available. The Uisce Eireann capacity register (published December 2024) indicates 'Capacity Available' in the Sligo Town & Environs water supply. I note that Sligo Town & Environs water supply covers the wider region including Ballisodare to the south of the appeal site.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Proposal to install a secondary wastewater treatment system.  No trade effluent generating activities.
<b>Others?</b>	N/A

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)
Unnamed Stream	c. 200m to the southwest of the site	Knocknahur_010 IE_WE_35K430740	The River Waterbody WFD Status 2016-2021 awarded the stream a status of 'Good'	Review	-	Surface water Groundwater
Ballysadare Estuary	c. 2.2km to the southwest of the site	IE_WE_460_0300	The Transitional Waterbody WFD Status 2016-2021 awarded the Ballysadare Estuary a status of 'Moderate'	At Risk	-	Surface water Groundwater
Carrowmore West groundwater body, in an area of high groundwater vulnerability	N/A	IE_WE_G_0040	The Ground Waterbody WFD Status 2016-2021 awarded Carrowmore West groundwater body a status of 'Good'	Not at Risk	-	Surface water Groundwater

**Step 3: 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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction related contaminants entering ground water and surface water drain.	Unnamed Stream Ballysadare Estuary Carrowmore West groundwater body	Existing	Water quality degradation.  Site is underlaid by deep well drained mineral soil therefore indicative of relatively fast percolation of water / pollutants.	Standard construction practices.	No	N/A

**OPERATIONAL PHASE**

2.	Untreated surface water entering	Unnamed Stream	Existing	Water quality degradation.	Attenuation of surface water.	No	N/A
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	<p>groundwater and surface water drain.</p> <p>Untreated foul water entering groundwater and surface water drain.</p>	<p>Ballysadare Estuary</p> <p>Carrowmore West groundwater body</p>		<p>Site is underlaid by deep well drained mineral soil therefore indicative of relatively fast percolation of water / pollutants.</p>	<p>Installation of secondary wastewater treatment system as per recommendation of Site Suitability Assessment submitted with the application.</p>		
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