



An
Bord
Pleanála

Inspector's Report ABP-321348-24

Development	Construction of 57 houses and all associated site works
Location	Earls Court, Ballymote, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	2460077
Applicant	Siara Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Castle Burn Residents
Observers	None
Date of Site Inspection	10 th February 2025
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal site, 'L' shaped with a stated area of 3.2 hectares, comprises greenfield land located on the northern end of the town of Ballymote, Co. Sligo. Ballymote had a population of 1,711 as of Census 2022 and is served by the Sligo to Dublin rail line.
- 1.2. The site is part of a larger infill site abutted to the southeast by the internal road and open space associated with Earls Court housing development, to the west by the rear of properties in the Castle Burn housing estate, to the east by a cul-de-sac laneway which becomes an urban standard road (Marren Park) at the south-east corner of the site, and to the north by a residual area of land within the same ownership which in turn is abutted on its north side by the Ballymote GAA Club grounds.
- 1.3. The site also extends to Teeling Street to the southeast in the form of a c. 15m wide strip of land/ laneway. Scoil Muire national school, Coláiste Muire secondary school, Corran College secondary school and Spraoi Community Childcare Centre are all located within 400m of the site to the south / southeast.
- 1.4. The site is generally flat with boundaries defined by rear garden boundary walls to the rear / side of properties at Castle Burn Estate to the west, timber fencing to the boundary with Earls Court to the south and mature trees and hedgerow to the boundary with the laneway to the east. The strip of land running southeast to Teeling Street is flanked on both sides by mature / overgrown hedgerow.
- 1.5. The main bulk of the site, being the area north of Earls Court, is in agricultural use, whilst a section of land adjacent to the western boundary comprises the remnants of an unfinished housing development.
- 1.6. Vehicular access to the site is currently from the western end of Earls Court and also via Teeling Street to the southeast.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 57 no. two-storey dwellings, consisting of 18 no. two-bed terraced and semi-detached dwellings, 27 no. three-bed detached and semi-detached dwellings, and 12 no. four-bed detached and semi-detached dwellings. The proposal also includes pedestrian, cycle and vehicular

access/egress, car parking, landscaping, boundary treatments, pedestrian links, public lighting, service connections and all associated site works.

- 2.2. Further information, submitted on the 30th September 2024, amended the site layout plan to include a pedestrian / cycle link from the proposed development through to Castle Burn housing estate to the west, and to omit a section of internal road. The number of dwelling units remained unchanged at 57 no.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. By order, dated 8th November 2024, the planning authority decided to grant permission for the proposed development subject to 19 no. conditions.
- 3.3. Condition No. 3 requires a Construction Stage Traffic Management Plan and Condition No. 11 requires a Construction and Environmental Management Plan, both to be agreed by the planning authority prior to commencement of development. Condition No. 4 and No. 10 relate to surface water management. Condition No. 15 relates to a Section 47 agreement restricting first occupancy of the dwellings to individual purchasers and /or those eligible for social and affordable housing including cost rental housing.

3.4. Planning Authority Reports

3.4.1. *Planning Reports*

The initial planners report dated 9th May 2024 recommended that 3 no. items of further information be sought. These items are summarised below:

1. Submit a revised site layout plan detailing compliance with TMO-2 for transport and mobility objectives in the Ballymote LAP.
2. Submit a more detailed landscape strategy and to address concern with regards internal road layout.
3. Submit outcome of Uisce Éireann pre-connection enquiry.

Significant further information was received on the 30th September 2024.

The planners report dated 7th November 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 12th April 2024 recommended that further information be sought with regards to the location of a construction stage site compound and the requirement to submit a site-specific construction/demolition waste management plan and environmental management plan. I note that a Construction Stage Traffic Management Plan and Construction and Environmental Management Plan are required by condition on the planning authority's decision.

Housing Section: Report dated 18th April 2024 advised that discussions had taken place but no agreement had been reached on the provision of Part V housing.

3.5. **Prescribed Bodies**

Uisce Eireann

A submission dated 10th April 2024 recommended that further information be sought with regards a pre-connection enquiry on the feasibility of connection to water services. This issue was reflected in the request for further information.

3.6. **Third Party Observations**

3.6.1. 1 no. observation was received during the initial statutory consultation period, summarised as follows:

1. Jason Martin, Earls Court

- Loss of green space within Earls Court
- Loss of amenity in terms of positioning of houses and roadway north of his dwelling.
- Increased housing numbers and loss of green / play space will force children to play on the roads.
- No consultation from the developer.

- 3.6.2. Further information received on the 30th September 2024 was deemed to be significant. 6 no. observations were made in respect of the significant further information including an observation from Cllr. Dara Mulvey (elected member of Sligo County Council), Castle Burn Residents, signed by residents of Castle Burn, and 4 no. individual submissions from residents of Castle Burn. Observations received principally relate to the proposed pedestrian / cycle link between the development and Castle Burn and generally reflect the content of the third-party appeal. Grounds of appeal are discussed in greater detail under Section 6.0 below.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 06/377 – refers to a 2006 grant of permission for 69 no. dwellings.

P.A. Ref. 07/453 – refers to a 2007 grant of permission for alterations to development granted under P.A. Ref. 06/377. Number of dwellings remained at 69 no.

15 no. permitted dwellings were constructed (Earls Court). The remainder of the development was not completed.

5.0 Policy Context

5.1. National Planning Framework

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place, including communities that are designed in a way that supports physical activity such as walking and cycling. Relevant Policy Objectives include:

National Policy Objective 4

Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. National Guidance

- Section 28 Guidelines - Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024
- Quality Housing for Sustainable Communities, Best Practice Guidance, Department of the Environment, Heritage and Local Government, 2007
- Design Manual for Urban Roads and Streets

5.3. 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) and the relevant economic policies and objectives of Government. 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, Ballymote falls within the category of 'Smaller Towns, Villages and Rural Areas', being settlements other than the Cities, Regional Growth Centres and Key Towns. The RSES states that this category includes settlements in each county that are smaller than Key Towns but play an important role in supporting the social, economic and cultural life within rural communities.

Part (c) of RPO 3.2 is relevant to the proposal in the context of settlements with a population greater than 1,500.

RPO 3.2

- a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs.
- b) Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.
- c) Deliver at least 30% of all new homes that are targeted in settlements with a population of at least 1,500 (other than the Galway MASP and the Regional Growth Centres), within the existing built-up footprints.

The RSES also supports permeability and connectivity to encourage walking and cycling.

RPO 6.29 The management of space in town and village centres should deliver a high level of priority and permeability for walking, cycling and public transport modes to create accessible, attractive, vibrant and safe, places to work, live, shop and engage in community life.

RPO 6.31 New development areas should be permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, to give a competitive advantage to these modes. Prioritisation should be given to schools and areas of high employment density.

5.4. Sligo County Development Plan 2024-2030

The Sligo County Development Plan 2024-2030 took effect on the 11th November 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on the 8th November 2024 and relates to land use zonings in a number of settlements 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.

The Sligo County Development Plan 2024-2030 includes zoning maps for all settlements in the county, including Ballymote. Chapter 3 (Core Strategy Statement), Chapter 5 (Settlement Strategy), Chapter 6 (Housing Delivery Strategy), Chapter 9

(Transport Strategy), Chapter 10 (Urban Development), Chapter 26 (Residential Development), Chapter 29 (Transport Infrastructure), Chapter 30 – Water Infrastructure and Chapter 33 (Development Management Standards) of the County Development Plan are all considered relevant.

Chapter 3 – Core Strategy Statement

Under Chapter 3, Ballymote is identified as a level 2 settlement (Support Town) in the settlement hierarchy for the County. The Core Strategy (Table 3.2) outlines a housing allocation of 185 no. units for Ballymote to 2030 to cater for c. 8% target population growth over the 2022 Census figure.

Chapter 10 – Urban Development

Chapter 10 includes a Town Plan, Zoning Map and Objectives Map for Ballymote.

Under the Zoning Map for Ballymote, the appeal site is subject to 2 no. land use zonings. The majority of the site is zoned '**nRES – New Residential Uses**', the objective of which is to '*Promote the development of greenfield/ infill/ backlands for high-quality residential uses such as apartments, houses, sheltered housing and live-work units, retirement homes etc., in tandem with the provision of the required physical infrastructure*'. Under the Zoning Matrix at Section 10.5.4, 'Residential – Houses' is included as 'Uses that are normally permitted' on land zoned nRES – New Residential Uses.

Part of the site that extends to Teeling Street to the southeast is zoned '**OS – Open Space**'. The County Development Plans sets out 5 no. objectives for the OS zoning with the relevant one in this case being as follows:

(a) Ensure adequate provision and maintenance of public open space, to be developed and used for parks and playgrounds. Green areas associated with housing development become public open spaces only after they are taken in charge by the Local Authority,

(e) Reserve sufficient land for the provision of pedestrian and cycle routes that will connect green areas (parks, playing fields, natural/semi-natural open space) with residential/community facilities and towns/village centres. The pedestrian/cycle corridors may be provided the County Council as well as by the private sector as part of new commercial or residential development.

The red line also extends across the western boundary to facilitate the proposed pedestrian / cycle link into Castle Burn housing estate. The piece of land within the red line at this location is identified on the Ballymote zoning map as being part of the public road is therefore not zoned.

The Objectives Map for Ballymote shows an indicative new cycle / pedestrian corridor connecting the R293 through to Marren Park. The pedestrian / cycle corridor has an indicative route through the appeal site, connecting east west via the estate roads of Castle Burn and Earls Court.

The Town Plan for Ballymote identifies Settlement Consolidation Sites and Additional Provision sites, as recommended in the Development Plan Guidelines (2022), in order to give effect to the National Planning Framework (NPF) requirements for compact growth. The Plan also identifies a number of Regeneration Sites in accordance with Section 10(2)(h) of the Planning and Development Act 2000 (as amended). The majority of the appeal site (area north of Earls Court) is identified as an Additional Provision site whilst the part of the site adjacent to the western boundary is identified as a Regeneration Site, reflecting the current condition of that part of the site comprising remnants of an unfinished housing development.

The Town Plan for Ballymote contains the following relevant objectives (emphasis underlined):

BM-UDO-4 Promote the redevelopment of the following regeneration sites, considering the guidance provided in Section 12.3.3:

- REG-1 The site adjoining the junction between Teeling Street and the R-296
- REG-2 Infill site to the west of the former cinema.
- REG-3 Backlands to the rear of SuperValu (Lord Edward Street) with frontage onto Fairgreen Road.
- REG-4 Land south of Cois na Dún, Carrownanty Td (north of Ballymote Business Park)
- REG-5 North and west of Earl's Court housing development (Phase 2 eastern section)

BM-TCO-5 Reserve the following indicative corridors and access points to allow development of vehicular, pedestrian and cycle routes, thereby facilitating the development of backland areas and the future expansion of the town:

- a link road from the R-296 to the L1603.
- a link road between the L-6106 and the L1502.
- a link street between the R-293 and the health care centre. This street shall be reserved for cyclists and pedestrians only. Residents of Castle Burn and Earls Court estates shall be consulted before this link is developed.

Other relevant policies and objectives of the County Development Plan are as follows:

Chapter 5 – Settlement Strategy

SP-S-2 Promote consolidation and regeneration in the Support Towns of Ballymote, Enniscrone and Tobercurry.

Chapter 6 – Housing Delivery Strategy

SP-HOU-1 Encourage a balanced supply of housing in the county, in a manner that is consistent with the Core Strategy and the Settlement Hierarchy, and which will support the creation of sustainable communities through the provision of an appropriate range of house types and high-quality residential environments.

Chapter 9 – Transport Strategy

SP-TRA-3 Encourage the shift from car use to sustainable modes of transport such as cycling and walking.

SP-TRA-4 Reduce the demand for travel by integrating land use with transport planning, ensuring that new development takes place in a compact form at locations with the highest levels of accessibility for public transport and active travel (walking and cycling).

SO-TRA-4 Implement a programme of measures to support active travel in the county with the support of funding from the Active Travel Investment Programme of the NTA and pursue the implementation of the

sustainable transport targets set out in Table 9.1 (Performance indicators and target aspirations for assessing progress of the LTP).

Chapter 26 – Residential Development

- P-UHOU-2** Ensure that appropriate densities are achieved in appropriate locations and circumstances, in accordance with the principles set out in the Sustainable Residential Development and Compact Settlements Guidelines (2024) and the Urban Design Manual: A Best Practice Guide (DEHLG, 2009), Urban Development and Building Height Guidelines for Planning Authorities (2018) and any subsequent statutory guidance.

Chapter 29 – Transport Infrastructure

- P-CW -1** Promote cycling and walking as sustainable and viable modes of everyday transport, including for commuting, education, retail and leisure purposes, by making provision for the safe and efficient movement of cyclists and pedestrians at public transportation nodes, village/town centres, public car parks, retail centres, leisure facilities and institutions.
- P-CW-3** Require that all new developments are designed to integrate into a cycling network linking with adjoining development areas and schools, and provide cycle and pedestrian-friendly development layouts, infrastructure and facilities.

Chapter 30 – Water Infrastructure

- P-SWD-1** Require all new developments, redevelopment of brownfield sites and extensions to existing developments (where appropriate) to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems, where feasible.
- Such developments shall connect to existing surface water drainage systems (where available) which, in the opinion of the planning authority, have adequate capacity to accommodate additional loading (refer also to Section 3.5 of the accompanying SFRA, “Sustainable Urban Drainage Systems and Surface Water Guidance and Strategy”)

Chapter 33 – Development Management Standards

Section 33.2 General Standards

Section 33.3 Residential Development in Urban Areas

5.5. Natural Heritage Designations

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

- Templehouse and Cloonacleigha Loughs SAC (Site Code 000636), c. 3km northwest of the site,
- Bricklieve Mountains and Keishcorran SAC (Site Code 001656), c. 5.5km southeast of the site,

5.5.2. Templehouse and Cloonacleigha Loughs pNHA (Site Code 000636) is c. 3km northwest of the site and Bricklieve Mountains and Keishcorran pNHA (Site Code 001656) is c. 5.5km southeast of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal was received, signed by 39 no. residents of the Castle Burn housing estate. The grounds of appeal relate predominately to the proposed pedestrian / cycle connection that would link the proposed development to the Castle Burn housing estate which adjoins the site to the west.

The main points of the appeal can be summarised as follows:

Procedural

- Site notice erected at No. 17 Castle Burn in respect of further information was not in place for the full period of notice.

Proposed Link - Safety Concerns, Security & Anti-Social Behaviour

- Pedestrians and cyclist using the link to travel through the estate will negatively impact on the safety of young and elderly residents of Castle Burn.

- The link will cause security issues in terms of promoting areas of congregation leading to anti-social behaviour and creating escape routes for those engaged in anti-social behaviour.

Boundaries

- Existing boundary wall between Castle Burn and the appeal site is of poor-quality construction and should be rectified.
- Due to the height of the existing wall on the western boundary of the site, there is potential for overlooking of rear gardens and bedroom windows of house no. 14 to 17 Castle Burn from the internal estate road of the proposed development.
- Level difference between Castle Burn and the appeal site, nature of boundary wall and associated surface water management issues at the boundary. The proposed development should account for this.

Devaluation of Property

- The link will result in a devaluation of properties within Castle Burn.

6.2. Applicant's Response

The Board received a response to the appeal on the 18th December 2024 on behalf of the applicant. The relevant points of the response are summarised below.

- The provision of a link through to Castle Burn housing estate complies with the requirements of the Sligo County Development Plan 2024-2030.

Safety Concerns, Security & Anti-Social Behaviour

- The pedestrian / cycle link will be directly overlooking by dwellings in Castle Burn and in the proposed development, providing passive surveillance.
- Passive surveillance of the link will also be provided by pedestrians / cyclists using the proposed route from the development through to Teeling Street.
- The link will comprise steps and a graded ramp, ensuring accessibility.
- Link has been designed in accordance with best practice outlined in the Design Manual for Urban Streets and Roads (DMURS) and the NTA's Permeability

Best Practice Guide, thereby mitigating the risk of anti-social behaviour while promoting safe, sustainable connectivity between developments.

Boundaries

- Design of the development ensures no loss of privacy to the adjoining dwellings.
- Level difference between the site and adjoining properties has been assessed by the project engineers. Adequate retaining walls and infrastructure is proposed.

Devaluation of Property

- The proposed development is likely to enhance the overall value and attractiveness of the area.

6.3. Planning Authority Response

A response was received on the 16th December 2024 which (a) refers the Board to the planning authority's decision, (b) notes that the assessment of the proposal in terms of impact on the amenity of adjoining residents is set out in the Planner's Report, (c) the appellant has not submitted additional details that would alter the planning authority's decision to grant permission, and (d) requests that the Board upholds the decision to grant permission.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

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

- Procedural Issue
- Principle of Development
- Proposed Pedestrian / Cycle Link
- Residential Amenity / Boundary Wall
- Surface Water Drainage
- Other Matters

The issue of appropriate assessment screening also needs to be addressed.

7.1. Procedural Issues

- 7.1.1. A ground of appeal relates to the display of a site notice within the Castle Burn housing estate, contending that the site notice was not present for most of the statutory notice period associated with significant further information received.
- 7.1.2. Article 35 of the Planning and Development Regulations 2001, as amended, sets out the requirements for further public notice where the planning authority deems further information received to be significant. Procedural issues of this nature are outside the remit of the Board.
- 7.1.3. I note that a submission was made to the planning authority by the Castle Burn residents in respect of the further information, with same signed by residents of 22 no. dwellings within Castle Burn. I also note that whilst not required under Article 35, the further public notices submitted by the applicant included details of the proposed amendments, specifically the inclusion of a proposed pedestrian / cycle link through to Castle Burn. In my view, notice of the significant further information was sufficiently given.
- 7.1.4. The above issue raised by the appellant is of a procedural nature, having no implications on my assessment of the proposed development.

7.2. Principle of Development

- 7.2.1. The planning authority assessed the scheme against the provisions of the Sligo County Development Plan 2017-2023 and, by association, land use zonings for Ballymote as contained in the Ballymote Local Area Plan 2012-2018 and not the

Ballymote Plan and associated zoning and objectives maps now contained under Chapter 10 (Urban Development) in the County Development Plan 2024-2030.

- 7.2.2. The planning authority's decision was dated 8th November 2024. The Sligo County Development Plan 2024-2030 came into effect on the 11th November 2024.
- 7.2.3. For the purposes of clarity, my assessment is based on the relevant policies and objectives of the current County Development Plan, 2024-2030.

Core Strategy

- 7.2.4. As per Table 3.1 of the current County Development Plan, Ballymote is identified as a level 2 settlement (Support Town) in the settlement hierarchy for the County. Policy SP-S-2 promotes consolidation and regeneration in the Support Towns, Policy SP-HOU-1 encourages a supply of housing that is consistent with the Core Strategy and supports the creation of sustainable communities, and Objective BM-UDO-4 promotes the redevelopment of identified regeneration sites.
- 7.2.5. Table 3.2 (Core Strategy) allocates 185 no. units to Ballymote for the Plan period to cater for c. 8% target population growth over the 2022 Census figure.
- 7.2.6. On the basis of the above, I consider the proposal is acceptable in principle on the basis that the Plan places emphasis on the growth of Support Towns including Ballymote and the Core Strategy makes provision for increased population within the town.

Zoning – New Issue

- 7.2.7. Under the current County Development Plan, the appeal site is subject to 2 no. land use zonings. The majority of the site is zoned '*nRES-New Residential Uses*'. The remainder of the site, being the part that extends to Teeling Street to the southeast, is zoned '*OS – Open Space*'.
- 7.2.8. I note that the submitted Site Layout Plan shows that dwelling no. 72, a four-bed two-storey detached dwelling is located on land zoned OS-Open Space. Under the Zoning Matrix at Section 10.5.4, '*Residential – Houses*' is shown as being a use which is 'Not Normally Permitted' on land zoned OS-Open Space. The County 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 circumstance.*'

- 7.2.9. By reason of dwelling no. 72 being located on land zoned *OS-Open Space*, the proposal represents a material contravention of the *Open Space* zoning objective. If the Board is minded to grant permission, I recommend that a condition is included which omits dwelling no. 72 and, by association, the adjacent turning head be moved further north and residual land be laid out as public open space.
- 7.2.10. Apart from dwelling no. 72, the remainder of the proposed dwellings are located on land zoned '*nRES-New Residential Uses*' and remainder of the land zoned '*OS-Open Space*' is laid out for open space.
- 7.2.11. On the basis of the above, subject to the recommended omission of dwelling no. 72, I consider that the proposal is consistent with the zoning objectives for the site.

Quantum of Development

- 7.2.12. Policy P-UHOU-2 of the County Development Plan seeks to ensure that appropriate densities are achieved in appropriate locations and circumstances, and in accordance with the principles set out in relevant national guidance including the Sustainable Residential Development and Compact Settlements Guidelines (2024).
- 7.2.13. Table 3.6 of the Sustainable Residential Development and Compact Settlements Guidelines 2024 sets out that residential densities in the range 25 to 40 dwellings per hectare shall generally be applied for sites at the edge of small / medium sized towns (1,500 - 5,000 population).
- 7.2.14. The proposed scheme comprises 57 no. dwellings on a site with an overall net developable area of 2.28ha, equating to a density of 25 dwellings per hectare. The net developable area comprises the part of the site zoned *nRES – New Residential Uses* and excludes the part zoned '*OS – Open Space*', albeit, as outlined above, dwelling no. 72 is located on land zoned '*OS – Open Space*', therefore this plot can also be excluded.
- 7.2.15. The omission of dwelling no. 72 reduces the overall number of dwellings in the scheme to 56 no. and reduces the net developable area of the site by the area of the plot of land to accommodate that dwelling. This has a negligible effect on overall density remaining at c. 25 units to the hectare which falls within the applicable density range set out in the Sustainable Residential Development and Compact Settlements Guidelines, 2024.

- 7.2.16. On the basis of the foregoing, I consider the quantum of development proposed is consistent with P-UHOU-2 of the County Development Plan which seeks to ensure that appropriate densities are achieved in appropriate locations and circumstances and in accordance with the Sustainable Residential Development and Compact Settlements Guidelines, 2024.

7.3. Pedestrian / Cycle Link

- 7.3.1. The principal ground of appeal relates to the proposal to connect the development with the Castle Burn housing estate by way of a new pedestrian / cycle link. The appellant contends that the link will facilitate anti-social behaviour resulting in safety and security concerns for residents of Castle Burn, along with a reduction in the value of existing properties in the estate.
- 7.3.2. In a response to the appeal, the applicant outlines that link has been designed in accordance with best practice outlined in the Design Manual for Urban Streets and Roads (DMURS) and the NTA's Permeability Best Practice Guide, thereby mitigating the risk of anti-social behaviour while promoting safe, sustainable connectivity between developments. The applicant further contends that the proposed development will enhance the overall value and attractiveness of the area.
- 7.3.3. The planning authority considers that the proposed link will provide active and passive surveillance for existing and new housing estates and that the link is necessary to provide pedestrian and cycle permeability in the area, connecting neighbourhoods to the community services and facilities.
- 7.3.4. The proposed link is located along the western boundary of the site, providing a pedestrian / cycle connection between the site and the internal road /footpath network of the Castle Burn housing estate. The link, which would not facilitate vehicular traffic, would be aligned adjacent to the front boundary of No. 17 Castle Burn to the north and the side boundary of No. 16 Castle Burn to the south. To take account of the change in ground levels, the link would comprise a graded ramp originating adjacent to the public space further north within the appeal site, and also direct stepped access. The submitted plans show proposed surface finishes and boundary treatment.
- 7.3.5. The link was introduced at further information stage in response to a request for same by the planning authority. The red line boundary was amended to include a section of

land within Castle Burn. A letter was included from Sligo County Council, as the owner of the piece of land within the Castle Burn estate, giving consent to include the land as part of the planning application. During a site inspection, I observed that the subject land within the Castle Burn housing estate is laid out and fenced off as part of the front garden of No. 17 Castle Burn. It would appear that the piece of land was subsumed as part of No. 17 at some point between 2009 and the present day. The owner of No. 17 Castle Burn made an observation to the planning authority during the period of public consultation in respect of the significant further information. The observation referred to the proposed link going through the front garden but did not provide any further evidence in terms of ownership of same. I am satisfied that by reason of the status of the land as being part of the public road as shown on the Ballymote zoning map in the current County Development Plan, and by reason of the issuing of a letter of consent from Sligo County Council to make the application, is evidence enough to confirm land ownership.

- 7.3.6. There is significant national and local policy support for providing pedestrian / cycle permeability within settlements. At a national and regional level, National Policy Objective 27 and Regional Policy Objective 6.31 encourage permeability for walking and cycling including retrospective implementation of walking and cycling facilities.
- 7.3.7. Under the County Development Plan, Policy SP-TRA-3 encourages the shift from car use to sustainable modes of transport such as cycling and walking. Policy P-CW -1 promotes cycling and walking as sustainable and viable modes of everyday transport. Policy P-CW-3 requires that all new developments are designed to integrate into a cycling network linking with adjoining development areas and schools, and provide cycle and pedestrian-friendly development layouts, infrastructure and facilities.
- 7.3.8. Specific to the appeal site, Objective BM-TCO-5 seeks the provision of a link street between the R-293 and the health care centre, to be reserved for cyclists and pedestrians only. The indicative alignment of the link is shown on the Ballymote Objectives Map. I am satisfied that the proposed link is in accordance with the provisions of Objective BM-TCO-5 and as outlined on the Ballymote Objectives Map.
- 7.3.9. In my view, the proposed link will benefit the wider community allowing pedestrian / cycle connectivity and convenient access to the town centre and community facilities

for neighbourhoods both east and west of the site, consistent with Policies SP-TRA-3, P-CW-1 and P-CW-3 of the County Development Plan.

- 7.3.10. Furthermore, by reason of the layout and orientation of existing dwellings within Castle Burn and of those proposed on the appeal site within the vicinity of the link, I consider that the link will be suitably overlooked to allow for a sufficient degree of passive surveillance. It is also my view that the use of the subject link, in conjunction with the use of the proposed pedestrian route to Teeling Street to the south, will generate active surveillance in the area.
- 7.3.11. A public lighting plan was submitted with the planning application however it appears that this was not revised to take account of the introduction of the proposed link into Castle Burn. In my view additional public lighting, such as low bollard style lighting, in the vicinity of the link is necessary for the purposes of security and ease of use. This can be requested by condition, if the Board is minded to grant permission.
- 7.3.12. Objective BM-TCO-5 requires the provision of a link street between the R-293 and the health care centre, and that this street shall be reserved for cyclists and pedestrians only. The objective also requires that residents of Castle Burn and Earls Court estates shall be consulted before this link is developed. The provision of a link at this location has been adopted as part of the County Development Plan, which was subject to due process including public consultation. I note that the Ballymote Local Area Plan 2012-2018 included an objective to provide a vehicular route in much the same alignment as that sought by the current Plan. As such, it could be argued that there was an established expectation that a through route at this location would be provided in conjunction with the development of the appeal site at some stage.
- 7.3.13. I am satisfied that through the development plan process and the current planning application, the local residents have been sufficiently consulted in respect of the principle of a proposed link at this location. If the Board is minded to grant permission, to give effect to this element of Objective BM-TCO-5, I recommend that a condition is included which requires final details of the link, in terms of materials/finishes, lighting, landscaping and boundary treatments to be submitted to the planning authority for approval.

7.4. Residential Amenity / Boundary Wall

- 7.4.1. Grounds of appeal include the perceived loss of privacy by reason of overlooking to the rear gardens of dwellings 14, 15, 16, and 17 Castle Burn by virtue of the proposal to retain the boundary wall in its current form and height but with the internal access road aligned parallel to the boundary being at a level between c. 0.9m and 1m higher than the rear gardens of those properties at Castle Burn.
- 7.4.2. The applicant's response outlines that the design of the development by reason of setbacks and landscaping, ensures no loss of privacy to the adjoining dwellings.
- 7.4.3. Policy P-UHOU-2 of the County Development Plan seeks to ensure that appropriate densities are achieved in appropriate locations and circumstances, in accordance with the principles set out in relevant national guidance including the Sustainable Residential Development and Compact Settlements Guidelines (2024) and the Urban Design Manual: A Best Practice Guide (DEHLG, 2009).
- 7.4.4. SPPR 1 under the Sustainable Residential Development and Compact Settlements Guidelines (2024) refers to the minimum separation distance of 16m between opposing habitable room windows at rear or side of houses above ground level, but also states that *'In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties'*. The Urban Design Manual: A Best Practice Guide (DEHLG, 2009) is based around 12 no. criteria to inform design and layout of residential development. Of relevance to this issue is Criteria 1 'Context', specifically how the development responds to the amenity enjoyed by neighbouring users.
- 7.4.5. Section 33.2.2 of the County Development Plan outlines factors will be considered in assessing the impact of a proposed residential development, including the degree of overlooking and consequent loss of privacy for adjoining properties.
- 7.4.6. The concern of the appellants relates to the perceived overlooking of rear gardens of properties within Castle Burn from the public road within the proposed development.
- 7.4.7. In terms of interface with Castle Burn, the submitted site layout plan shows that there are no proposed dwellings backing onto the western boundary with Castle Burn. The

front elevation of dwelling no. 63 to 72 (noting no. 72 to be omitted by condition) are c. 19.5m from the western boundary. On the northern end of the site, the western side elevation of dwelling no. 62 is located c. 6.44m from the western boundary, interfacing with the internal road of Castle Burn. Units 60, 61 and 62, with a rear garden depth of c. 11m, back on to the southern side boundary of No. 30 Castle Burn. The southern side elevation of No. 30 Castle Burn does not contain any habitable room windows, however No. 60 in the proposed scheme would partially interface with the rear garden of No. 30 Castle Burn, therefore an interface which is sensitive in terms of residential amenity.

- 7.4.8. I note that the submitted site layout plan shows a proposed finished floor level of +68.7m for dwelling no. 60, compared to +67.65m for the existing dwelling at No. 30 Castle Burn. This represents a c. 1 metre difference in floor levels. If the Board is minded to grant permission, I recommend a condition is included which requires details of finished garden levels and additional treatment to this boundary, if necessary, to be submitted for agreement to the planning authority.
- 7.4.9. South of the area of public open space an internal road is aligned c. 4m of the western boundary continuing southwards to provide access to proposed dwelling no. 63 – 72, noting that this is the interface which is of most concern to the appellants. The road continues from that point in the form of a footpath through public open space connecting the development through to Teeling Street to the south.
- 7.4.10. The site layout plan indicates that the proposed roadway located close to the western boundary would be at a level of between c. 1m higher than the finished floor level of properties within Castle Burn where they interface with that part of the site. The site plan for the proposed link, submitted as further information, shows a level difference of c. +1.6m between the internal road of the proposed scheme and the adjoining land within Castle Burn where the link would connect. In terms of proposed boundary treatment, the site layout plan indicates that the existing treatment of the western boundary will be retained, which comprises a concrete block wall, capped but not plastered. The site layout plan does not provide a surveyed wall height.
- 7.4.11. The site layout plan also includes references to proposed landscaping which coincides with a submitted landscape report. The relevant references are Lawn Area 3 (LWN3) which relates to the area of public open space and Lawn Area 5 (LWN5) which relates

to the grassed area between the western boundary and the internal road serving dwelling no. 63 – 72 (noting no. 72 to be omitted by condition). For LWN3, the report states *‘On the existing boundary wall a mixture of trees and whips with a wild flower area in front’*. For LWN5, the report states *‘Along the wall a line of climbers are going to be planted with daffodils and bluebells in front’*

- 7.4.12. Based on the plans submitted including landscaping / boundary treatment, including that the boundary wall would be retained in its current form and height, I consider that by reason of proposed ground / road levels within the appeal site there is potential for loss of privacy to the rear gardens of No. 14, 15, 16 and 17 Castle Burn. If the Board is minded to grant permission, I recommend a condition is included which requires details be submitted for agreement to the planning authority of additional treatment and / or landscaping and tree planting to this boundary.
- 7.4.13. Furthermore, having regard to local topography and the existing level change between the site and adjacent properties to the west, I consider it practical that a structural survey of the wall be required prior to commencement of development and that recommendations of same be implemented to the satisfaction of the planning authority. A condition requiring same can be attached to a grant of permission, if the Board is minded to grant permission.
- 7.4.14. On the basis of the above, by reason of the separation distances achieved and the recommended conditions regarding boundary treatment and landscaping, I consider that the proposed development would not cause an undue loss of privacy as a result of overlooking to the properties to the west, consistent with Policy P-UHOU-2 and Section 33.2.2 of the County Development Plan.

7.5. Surface Water Drainage

- 7.5.1. Grounds of appeal refer to surface water drainage in the context of the level change at the interface with the western boundary.
- 7.5.2. Policy P-SWD-1 of the County Development Plan requires all new developments to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems, where feasible.
- 7.5.3. Condition 10 on the planning authority’s requires storm water to be disposed in accordance with details submitted. The application includes drainage drawings and a

drainage report outlining measures including an attenuation tank and open swale to attenuate surface water in order to restrict the outflow from the site to no greater than pre-development levels. The drawings indicate that the discharge point for stormwater is via the existing drainage main in Castle Burn estate.

- 7.5.4. I consider that the surface water drainage strategy to be sufficiently robust, consistent with Policy P-SWD-1. A suitable condition regarding same should be included on a grant of permission, if one is forthcoming.

7.6. Other Matters

7.6.1. *Property Values*

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring properties. However, having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.0 EIA Screening

- 8.1.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings.
- 8.1.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

9.0 Appropriate Assessment

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, 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.

10.0 Recommendation

I recommend that permission be granted in accordance with the submitted plans and particulars and as amended by further information received on the 30th September 2024, and based on the reasons and considerations below, and subject to the conditions set out below.

11.0 Reasons and Considerations

Having regard to the zoning objectives of the subject site, its location within the 'Support Town' of Ballymote and the policies and objectives for the town as set out in the Sligo County Development Plan 2024-2030, and having regard to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions:

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th March 2024 as amended by the further plans and particulars submitted on the 30th September 2024, 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>a) Dwelling no. 72 shall be omitted from the development. The turning area located to the south of dwelling no. 72 shall be repositioned accordingly and the residual land is to be laid out as public open space.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of clarity and orderly development.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
4.	<p>Final details, including material / finishes, public lighting, landscaping and boundary treatment, of the pedestrian / cycle link between the site and Castle Burn housing estate shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In interest of clarity, amenity and public safety.</p>
5.	<p>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:</p> <p>(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 the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p>

	<p>(d) details of proposed boundary treatments at the perimeter of the site, (including heights, materials and finishes) including along the boundaries of the public open space / pedestrian routes.</p> <ul style="list-style-type: none"> i. Additional boundary treatment / landscaping shall be provided to the western boundary of the site where it interfaces with Castle Burn housing estate to avoid undue loss of privacy to adjoining residential properties. ii. Prior to the commencement of development, the developer shall submit details of finished garden levels to unit numbers 60, 61 and 62, and make provision for additional treatment to this boundary, if necessary, to avoid undue loss of privacy to adjoining residential properties at Castle Burn housing estate. iii. Prior to the commencement of development, the developer shall engage the services of a suitably qualified person / company to carry out a structural survey of the wall on the western and northern boundary of the site, along with an engineering assessment of the structural integrity of the wall. The report shall be submitted for agreement to the planning authority prior to commencement of development and the recommendations of the reports, in addition to the requirements of Condition 3(d)(i) and (ii) above, shall be implemented to the satisfaction of the planning authority prior to occupation of any dwelling. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual and residential amenity.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <ul style="list-style-type: none"> a) The scheme shall include lighting along pedestrian routes through open spaces and the proposed pedestrian and cycle links through to Teeling Street and the Castle Burn housing estate. Such lighting

	<p>shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
7.	<p>All houses within the scheme shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
8.	<p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>Upon completion of the development and prior to occupation of any dwelling, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any dwelling.</p> <p>Reason: In the interest of pedestrian and traffic safety.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended</p>

	<p>construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p>Reason: In the interest of public health and to ensure adequate water and wastewater facilities.</p>
12.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0700 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.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
14.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the</p>

	<p>development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
15.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
17.	<p>(a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by</p>

	<p>individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

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

Jim Egan
Planning Inspector

27th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321348-24		
Proposed Development Summary	Construction of 57 houses and all associated site works		
Development Address	Earls Court, Ballymote, Co. Sligo		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10 - Construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321348-24
Proposed Development Summary	Construction of 57 houses and all associated site works
Development Address	Earls Court, Ballymote, Co. Sligo
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposed development comprises the construction of 57 no. residential units and all associated infrastructure on a site with a stated area of c. 3.2 ha.</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>
<p>Location of development</p> <p>(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>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal.</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</p>

	projects, on a European Site and appropriate assessment is therefore not required.	
Types and characteristics of potential impacts (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	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network, are the Templehouse and Cloonacleigha Loughs SAC (Site Code 000636), c. 3km to the northwest and the Bricklieve Mountains and Keishcorran SAC (Site Code 001656), c. 5.5km to the southeast.

The proposed development is located within an urban settlement and comprises the construction of 57no. dwellings and all associated site works. The development would be connected to public services including water and sewer. Surface water would be attenuated within the site prior to discharge at pre-development rate to the mains drainage network.

The planning authority concluded that having regard to the significant separation distance involved; the proposal to connect to existing services; and the significant extent of existing development between the subject site and the Natura 2000 network; it is considered that the proposed development on its own or in combination with other projects will not have any impact on such sites and accordingly, that Appropriate Assessment is not required.

Having considered the nature, scale and location of the project, including availability of all mains services and infrastructure, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the planning authority.

On the basis of the above, I consider 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.