



An
Coimisiún
Pleanála

Inspector's Report ABP-322495-25

Development	Retention and completion, including alterations to the previously granted development (reference number 24/60024) consisting of revisions to the site layout plan, including reduced boundary setbacks and revised first floor plan and elevations.
Location	Willowfield Road, Ballinamore, Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	2560037
Applicant	Gavin Sammon
Type of Application	Retention & Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Peter & Michelle Reynolds
Observer(s)	None
Date of Site Inspection	13/08/2025
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 0.15ha, generally rectangular in shape and located in the townland of Cannaboe on the southeastern edge of Ballinamore, Co. Leitrim. The site is accessible from the eastern side of the Willowfield Road and comprises a flat parcel of land which is partially developed with the floor slab of a building. The eastern boundary fronts onto Willowfield Road and is screened with high metal hoarding; the western (rear) and southern (side) boundaries are formed by a mixed hedgerow with trees; and, the northern (side) boundary is formed by a paladin fence affixed to a low-level block wall with neighbouring dwelling house. The character of the surrounding area is primarily residential with detached dwellings on individual plots of varying styles and designs arranged along the approach road to the town. The site is located within the zone of notification of a National Monument (LE025-037 – ‘Ringfort-rath’). The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development seeks the following:
- retention and completion, including alterations to previously granted development (Reg. Ref.24/60024)
 - revisions to site layout plan and reduced boundary setbacks, and
 - revised first floor plan and elevations.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant retention and permission for the development, subject to 8 no. conditions. The majority of conditions are generally standard in nature, however, I make reference to the following conditions of note:

- Condition 1: Development shall be retained and carried out in accordance with plans and particulars.
- Condition 2: No part of flat roofed areas shall be used as balconies.
- Condition 3: Materials and Finishes
- Condition 4: Development Contribution
- Condition 6: Drainage requirements

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Planner's Report forms the basis for the decision to grant retention and permission.
- The report provides a site description, relevant planning history and associated policy context from the Leitrim County Development Plan 2023-2029 and any comments returned on internal/external referrals.
- In terms of assessment, the Planning Authority noted the 'Phase 2 Enterprise and Employment' zoning and that a dwelling is 'not acceptable' in the zoning matrix and such land uses 'will not generally be favourably considered by the Planning Authority except in exceptional circumstances'.
- It was deemed that the previous application, Reg. Ref. 24/60024, could be assessed as an 'exceptional circumstance' due to its location, scale and the high degree of compatibility of the proposed development with surrounding land uses and the dwelling would not hinder the development of the wider lands for their designated use.
- The principle of development was considered acceptable by virtue of the proposal relating to amendments and deviations of a previously permitted development and no residential amenity impacts were raised.
- The Planning Authority noted the site is within the Zone of Notification for a Protected National Monument and that Condition No.3 of the previous application was complied with by submission of an Archaeological Assessment report.
- No concerns were raised in respect of AA and EIA.

3.2.2. Other Technical Reports

- South Leitrim District Engineer – Report received and indicated, no objection, subject to conditions.
- Water Services – No report received.
- Enforcement Officer – No response received.

3.3. Prescribed Bodies

- Uisce Éireann – No response received.
- Dept of Housing, Local Government and Heritage – No response received.
- An Taisce – No response received.
- The Heritage Council – No response received.

3.4. Third Party Observations

3.4.1. One third party observation was received, and the main issues are broadly summarised as follows:

- The dwelling is closer to our southern boundary than previously permitted.
- The development will cast a shadow over our property and have a negative impact on natural light in our living area.
- Windows on the northern gable overlook our bedroom and living area which impact our privacy.
- The land is not zoned for residential use.
- There are the remains of a fairy fort on the site and does not appear to have been taken into consideration by Leitrim County Council.
- The dwelling does not maintain the building line currently in place.

4.0 Planning History

4.1. The following planning history is associated with the subject site:

24/60024 Permission GRANTED for the construction of a new dwelling house, part single storey, part two storey, a single storey domestic garage, entrance onto the public road, new connection to services, landscaping works, and all associated works necessary to facilitate the development. Applicant: Gavin Sammon.

04/562 Permission GRANTED to erect 1 no. two storey dwellinghouse, connect to public sewer and to carry out associated site works. Applicant: Joey Smith.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Leitrim County Development Plan 2023-2029 is the relevant Development Plan.

5.1.2. Volume I sets out the Written Statement for the County with a number of relevant chapters which are applicable to the subject development.

5.1.3. Chapter 2 relates to 'Core Strategy'. Ballinamore is designated as a 'Self-Sustaining Growth Town' (or a Tier 2A level). The role of these settlements is as 'towns with moderate levels of population that provide important employment and services for their surrounding areas. These self-sustaining towns are served by good transport....and have capacity for continued growth commensurate to their role'. Section 2.11 contains the Core Strategy Policies and Objectives. The following is of relevance:

CS OBJ 11 To ensure that Ballinamore and Manorhamilton become self-sustaining economic drivers within their catchments, by consolidating their residential, retail, tourism and service functions and enhancing their distinctive town centre character.

5.1.4. Chapter 3 relates to 'Housing' and I consider the following section to be applicable:

- Section 3.16 – 'Housing in Towns and Villages'.

5.1.5. Chapter 6 relates to 'Urban Settlements' and section 6.10 contains the Land Use Zoning Objectives. The appeal site is zoned "Phase 2 Enterprise & Employment" on Map No. 12: Ballinamore Land Use Zoning Objectives. There is no precise definition or description for this land use zoning objective in the Development Plan, however, the objective for 'Enterprise and Employment' is 'to provide for enterprise and employment creation'.

5.1.6. Table 6.2 of the Development Plan provides guidance for development on lands zoned 'Enterprise and Employment' which states as follows:

- *This zoning promotes the development of employment uses that reinforce the enterprise and employment function of the subject area and require high environmental and design standards. The identification of such lands has been chosen to cluster the heavier, traffic generating activities, associated with certain types of enterprise such as industrial uses or those which require a substantial footprint associated with their function, towards the edge of centres, with good road access while ensuring minimal impact on residential areas.*

- *Care will be exercised by the Planning Authority in the consideration of the appropriateness of proposals seeking to develop heavy industry with environmental emissions, including noise and odour with regard to the impact of such uses on adjoining more sensitive uses and on the form of established development within such zonings. Where any industrial development adjoins other land uses, Leitrim County Council will require that a buffer zone is provided for and landscaped in accordance with the Development Management Standards of this Plan.*
- *Where employment is a high generator of traffic, the location of new employment at appropriate scale, density, type and location will be encouraged to reduce the demand for travel.*
- *Residential or retail uses (including retail warehousing) will not be acceptable in this zoning other than retail ancillary to another use such as showrooms.*

5.1.7. The Land Use Zoning Matrix is set out in Table 5 of section 6.11 of the Development Plan. 'Dwelling' is listed as a use which is 'Not Acceptable' in this zoning designation and according to the Development Plan:

Land uses which are indicated as 'Not Acceptable' in the Zoning Matrix will not generally be favourably considered by the Planning Authority except in exceptional circumstances. This may be due to the perceived effect of such a use on existing and permitted uses, the incompatibility of such a use with the policies and objectives contained in this Plan or the fact that the proposed use may be inconsistent with the proper planning and sustainable development of the area. The expansion of established and approved uses not conforming to land use zoning objectives will be considered on their individual merits.

5.1.8. Chapter 11 relates to 'Heritage & Biodiversity' and I consider the following sections to be applicable:

- Section 11.10 – 'Trees, Woodlands & Hedgerows'
- Section 11.21 – 'Archaeological Heritage'
- Section 11.22 – 'Archaeological Assessment'

5.1.9. Chapter 13 relates to 'Development Management Standards' and sets out various criteria to ensure development occurs in an orderly and efficient manner. I consider the following to be applicable:

- Section 13.9 – ‘General Development Standards’
- Section 13.9.4: Overlooking
- Section 13.9.5: Overshadowing
- Section 13.10 – ‘Residential Development – Towns and Villages’
- Section 13.10.3: Residential Amenity
- Section 13.10.4: Boundary Treatments
- Section 13.15 – ‘Natural and Built Heritage’
- Section 13.15.4: Development in Zones of Archaeological Potential
- Section 13.7 – ‘Infrastructure, Flooding and Environmental Management’
- Section 13.17.1: Piped Water Supply and Wastewater Collection
- Section 13.17.4: Sustainable Urban Drainage Systems (SuDS)

5.1.10. Volume II sets out the Settlement Plans and Section 2 relates to Ballinamore and its designation as a Tier 2A Self Sustaining Growth Town. The following general, residential and economic objectives are of note:

Objective BNE 1 Promote and facilitate residential growth, the expansion of local employment options and of the range of services and facilities in tandem with the development of sustainable transport options to enable Ballinamore to become more self-sustaining and fulfil its role as a Tier 2A Self Sustaining Growth Town in Co. Leitrim.

Objective BNE 2 Make provision for sustainable communities in Ballinamore by identifying sufficient and serviced land for new development, in particular housing, commercial, enterprise and employment, community and recreational uses.

Objective BNE 10 Liaise with Ballinamore Enterprise Centre in the development of the lands zoned ‘Enterprise and Employment’ off the Willowfield Road, including the provision of an expanded remote working hub (if deemed feasible and required), office units and start-up light industrial, industrial and commercial units. Lands zoned Phase 2 Enterprise and Employment lands will be suitable for development subject to: a) All lands zoned Enterprise and Employment have been developed; or b) A development proposal for the entire lands to be developed as part of a single planning

application and subject to the availability of the necessary infrastructural capacity

Objective BNE 15 Require that an appropriate mix of housing type, tenure, density and size if provided for in all new residential areas and in appropriate brownfield/infill areas to meet the demands of the population of Ballinamore and in line with the objectives and targets of the Core Strategy.

Objective BNE 16 Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. The nearest designated site is the Cuilcagh – Anierin Uplands Special Area of Conservation (Site Code: 000584) which is located approximately 7.99km to the north of the appeal site. This site is also a pNHA. In addition, the Corduff Lough pNHA is approximately 3.79km to the northeast; the Cromlin Bridge Wood pNHA is located approximately 4.78km to the northwest; and, the Garadice Lough Wood pNHA is located approximately 6.04km to the east.

6.0 EIA Screening

6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The Third Party appeal has been received in relation to the Planning Authority's decision to grant retention and permission. The grounds of appeal can be summarised as follows:

Principle of Development

- The Planning Authority contravened the Development Plan as the site is zoned 'Phase 2 Enterprise and Employment' and it is not acceptable/permissible to grant permission for a dwelling in this location.
- The Planning Officer acted under a fundamental misapprehension in the mistaken belief that the Planning Authority may, in exceptional circumstances, act outside the parameters of the Development Plan
- This matter can only be rectified by resolutions of the Local Authority Members to rezone the land as residential.
- The permission granted is fundamentally flawed and is void *ab initio*.
- The Planning Officer's rationale for deviating from the material contravention of the Plan cannot be justified and the Planning Authority cannot ascribe itself to vary the Development Plan outside of the statutory scheme and have therefore acted outside of their power.
- The amendments deviating from the original permission show the applicant has had scant regard for the planning system and the concerns of neighbours.
- It is understood the dwelling is not intended as developer's principal residence but is a commercial proposition.
- The developer has no personal link to the site to justify the residential use.

Design

- Liberty has been taken by the developer in not adhering to the initial plans.
- The dwelling is closer to the southern boundary than previously approved.
- The design of the revised dwelling is incongruent and not in accordance with the building line.
- The subject dwelling constitutes ribbon development

Residential Amenity

- The property will interfere with the right of light and will cast a shadow over the neighbouring residence resulting in negative impacts.
- Windows on the northern gable will overlook the bedroom and living area of the neighbouring property and negatively impact on privacy.

Archaeology

- The development will obliterate the remnants of the ringfort/rath at this location.
- The eradication of the ringfort/rath remnants will set an unfortunate precedent for the destruction of archaeological monuments.
- The Planning Officer was satisfied that an archaeological report carried out 20 years ago satisfies the requirements of the site for the previous permission.
- There are contradictions with the Planning Authority recommendations for archaeological testing to be carried out while accepting a 20-year old in the previous application.

Environment

- The Appropriate Assessment screening report is flawed and does not comply with the Habitat Directive as the correct test was not applied having regard to Article 6; proper regard has not been had in considering terms of impact; and, the determination wrongly concludes no impacts to water quality.
- The Environmental Impact Assessment pre-screening is flawed and does not comply with the Environmental Impact Assessment Directive (Council Directive 2011/92) for the reason that the result at the end of the document is inconclusive.

7.2. Applicant Response

7.2.1. A response received on behalf of the applicant is summarised as follows:

Principle of Development

- The argument that the development constitutes a material contravention of the Development Plan overlooks the planning history of the site where the Planning Authority have already established that the principle of development is acceptable.
- The Planning Authority's assessment of the development was grounded in a full understanding of Ministerial Guidelines and local planning policy and was not a 'fundamental misapprehension' of its abilities.
- No submission/observation or appeal was received in relation to the original permission and the current application is not the appropriate avenue to revisit the principle of development.
- The concerns raised in this appeal seek to retroactively challenge a previous decision.

- The applicant seeks amendments to an approved design and the application was lodged in accordance with statutory procedures and assessed by the Planning Authority.

Housing Need

- The appellant is applying rural housing policy to a site within the settlement boundary of Ballinamore where there is no requirement to demonstrate a local housing need.
- CS OBJ 5 of the Development Plan supports the regeneration of underutilised town centre/brownfield sites.
- The applicant's motive for the use of the development, be it as a personal home or for sale, is not a material planning ground for refusal.

Archaeology

- It is noted that the site lies within a Zone of Notification for a Recorded Monument
- The implication the development represents an example of uncontrolled loss of heritage or precedent for destruction of archaeological heritage is inaccurate and unsupported by planning process to date.
- The archaeological context was assessed by Planning Authority under previous application with Condition No. 3 complied with by the applicant.
- There is no basis for refusal on archaeological grounds.

Neighbouring Amenity

- The applicant adhered to the prior to commencement conditions set out in the previous application.
- Site conditions necessitated the realignment of the foundation slab from what was originally granted.
- It is acknowledged the proposal will be closer to the neighbouring house.
- The development will not impact on neighbouring right or light or result in overshadowing.
- Amenity concerns were addressed under the previous application and conditions attached in relation to obscured glazing.
- The proposal complies with the setback/separation requirements of the Development Plan.

- Concerns regarding the design and location of the house would have been more appropriate if raised under the previous application.
- The development does not constitute ribbon development as it is within a zoned settlement boundary.
- The retention and completion of the dwelling is consistent with housing and urban policy for Ballinamore.
- Amendments to the dwelling approved under Reg. Ref. 24/60024 have been identified on the submitted drawings.

Ecological /Environmental Impact

- An Appropriate Assessment screening and Environmental Impact Assessment was undertaken by the Planning Authority and appended with the Planning Report.
- There is no evidence to suggest departure from correct assessment procedures.
- The EIA pre-screening report states the development does not comprise a project and that no screening is required as per planning legislation.

7.3. Planning Authority Response

7.3.1. A response to the appellant's grounds of appeal has been received from the Planning Authority and is summarised as follows:

Contravention of Leitrim County Development Plan 2023-2029

- A clear consideration of the zoning was provided in the Planner's Report and set out the rationale for the development's exceptional circumstances.
- Regard was had to Obj BNE 10 of the Ballinamore Settlement Plan pertaining to the lands and that development of the 'Phase 2 Enterprise and Employment' zoned lands is contingent on the criteria of Obj BNE 10 being fulfilled which further highlights the reasonableness of this application's 'exceptional circumstances'.
- The development does not/will not hinder or undermine the development of the wider enterprise and employment lands and should be assessed on its own merits for a single dwelling.

Principle of Development

- The principle of development has been accepted by virtue of the previous grant of permission.

- The Development Plan provides for an application of flexibility in the consideration of proposed development classes which, ordinarily, may not slavishly adhere to the specific zoning objective.
- The principle of development is compatible with the surrounding land uses without undermining the zoning objective of the lands or materially contravening the Development Plan.

Intended Use of Site

- The site is within the settlement of Ballinamore and so the applicant criteria for a rural house is not a consideration.
- The Planning Authority is not in a position to comment on what appears to be speculation on the applicant's intentions.

Impacts on Registered Monument

- The current and previous applications were referred to the Development Applications Unit of the Department of Housing, Local Government and Heritage, An Taisce and The Heritage Council with no submissions received in both cases.
- The previous grant contained a condition in respect of archaeological surveying/monitoring and an Archaeological Assessment was received indicating that no features were discovered.
- The Planning Authority is satisfied that the subject development will not give rise to adverse impacts on the registered monument.

Deviations from Permitted Development

- The assessment considered that the proposal does not result in any adverse impacts and the subject development does not deviate significantly from the established building line.
- The proposal does not constitute ribbon development as the lands are within the zoned settlement boundary.

Appropriate Assessment Screening

- The proposal was screened for Appropriate Assessment having regard to relevant legislation and guidance. The screening determination of the Planning Authority concluded that the subject development is not likely to have any significant effects on any European Sites.

Environmental Impact Assessment Pre-Screening

- The proposal was subject to a preliminary EIA screening in accordance with relevant legislation and guidance. It was concluded that the development does not comprise a project listed in Schedule 5, Parts 1 and 2 of the Planning & Development Regulations 2001.
- It is concluded that there is no real likelihood of significant effects on the environment having regard to Schedule 7 of the Planning & Development Regulations 2001 and therefore EIA is not required.

7.4. Observations

- None.

8.0 Assessment

From the outset, I note the grounds of appeal raise a number of issues pertaining to the previously approved development which was granted under Reg. Ref. 24/60024 on 20th May 2024. One of the appellants' key points is that the original permission was fundamentally flawed as it contravened the Development Plan on account of the subject lands being zoned 'Phase 2 Enterprise and Employment' whereby a 'dwelling' is listed as a use which is 'Not Acceptable' in this zoning designation.

In my view, the Planning Authority considered the previous application against the provisions of the operative Development Plan and the extant permission presently authorises the applicant to construct a dwelling on the appeal site. Therefore, I am satisfied that the primary element of development on this site has the benefit of planning permission and is not a matter that should be reviewed or revisited in the context of this appeal. To this end, I am of the opinion that the Commission should only consider the acceptability of the subject works as applied for in this application.

Having examined the application details and other associated documentation on file, the third party appeal, the responses of the applicant and the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance; I consider the main issues in this third party appeal can be addressed under the following headings:

- Design, Siting & Layout
- Impact on Residential Amenity

- Archaeological Impact
- Other Matters
- Appropriate Assessment (Screening).

8.1. Design, Siting & Layout

8.1.1. The appellants raise concern with the revised dwelling design which is deemed to be incongruent and does not adhere to the established building line. It is further claimed that the dwelling would constitute ribbon development and that the moving of the dwelling closer to their boundary will result in amenity impacts. In response to the appeal, the applicant has countered the points raised. I will have specific regard to the design, siting and layout and consider amenity impacts under separately in section 8.2.

8.1.2. The development is partially constructed on the site with foundations/floor slab in situ however works on the site have evidently ceased. I note that the dwelling approved under Reg. Ref. 24/60024 was part-single, part two-storey with an indicated floor area of 240.5sq.m. The approved dwelling contained 3 no. bedrooms with a further downstairs office/bedroom. As proposed, the dwelling would be 244.8sq.m which represents an overall increase in size of 4.3sq.m. From my review of the submitted particulars, the general footprint is effectively unchanged and the height remains as approved. In essence, the changes to the design largely relate to the remodification of the first floor area. The number of bedrooms remains as initially approved with 3 no. bedrooms at first floor and a ground floor bedroom/office. I further note that the external finishes of the subject development correspond with that of the approved dwelling and are acceptable in my view. Having regard to the above, it is my opinion that the design changes remain largely consistent with the approved development on the site and are such that they would not result in the development being considered as incongruous.

8.1.3. In respect of siting, the subject dwelling has been repositioned on the site from the previously approved location and the originally permitted garage has been removed. I was unable to access the site at the time of my inspection, however, from my observations at the front of the site, I am of the view that the setbacks of the partially constructed dwelling from the site boundaries accurately reflect the development to be retained and completed. The approved dwelling had an indicated set back of 29

metres from the middle of the road; was 6.2 metres from the northern (side) boundary) and 5.3 metres from the southern (side) boundary. The re-sited dwelling maintains its setback from the road but has shifted northwards to the neighbouring boundary by approximately 2.3 metres which is some 4 metres from the party boundary. I note that the first floor level has been slightly truncated from the approved design and will therefore be approximately 6 metres from this northern boundary or 30cm from the approved development. According to Section 13.10.3: 'Residential Amenity' of the Development Plan, minimum separation distance of between 2.0-2.5 metres shall generally be provided between detached and semi-detached dwellings. The subject development will be in excess of this Development Plan standard.

8.1.4. In respect of other claims set out in the grounds of the appeal, I am satisfied that the subject development does not constitute 'ribbon development' as defined by the Sustainable Rural Housing Guidelines for Planning Authorities (2005) as the subject development is located within the settlement boundary and therefore, not a rural house where such guidance is generally observed. Moreover, I am of the view that the subject development maintains the building line with the established houses to the north along Willowfield Road and I have no concerns with respect to the revised siting of the dwelling.

8.2. Impact on Residential Amenity

8.2.1. The appellant raises concern in respect of adverse residential amenity impacts from the subject development on account of overshadowing, loss of natural light, overlooking/loss of privacy. In the interests of clarity, I shall consider each topic under the following sub-headings:

Loss of Privacy and Overlooking

8.2.2. According to the appeal, the privacy of their dwelling which neighbours the appeal site to the immediate north will be impacted and overlooked from the revised dwelling. The applicant's response to the appeal disputes that there will be impacts on privacy or overlooking and outlines design features to address amenity concerns.

8.2.3. In considering concerns of overlooking and loss of privacy, I have had regard to the layout/configuration of the revised proposal. I note that with particular regard to the side (north) facing elevation that there is 1 no. window proposed on the upper floor elevation serving a laundry room and indicated as having obscured glazing. In

addition, I also note that the ground floor window on this north-facing elevation contains a window serving a shower room which is also indicated as being fitted with obscure glazing. I am of the view that provision of obscured window to non-habitable rooms is appropriate and overcomes any concerns in terms of perceived or actual overlooking from the subject dwelling to the appellants' property. In addition, I note the applicant seeks to include a 2 metre high wall which is to be capped and rendered along part of the northern (side) boundary. I consider that this boundary feature will assist in screening the windows on the lower section of the dwelling. Therefore, having regard to the subject development, I do not consider that there is any other significant privacy or overlooking issues to the neighbouring dwelling to the north or any other properties in the vicinity.

Overshadowing and Loss of Light

8.2.4. The appeal claims that the subject development would lead to overshadowing which will negatively impact on their residence and result in the loss of light. I note that neither the applicant nor the appellant have submitted any Sunlight/Daylight/Shadow Assessment in respect of the subject development considering impacts on the neighbouring properties. Having reviewed the subject development, I do not consider that any shadowing impacts or loss of light arise from the subject dwelling. I have formed this view based on the limited extent of design amendments at the first floor level and minor re-siting of the dwelling from that originally proposed. In this regard, despite a marginal increase in overall floor area, the overall height of the subject dwelling and its relationship to the neighbouring property is such that I do not consider that there would be any significant impacts in terms of overshadowing or loss of light. Furthermore, it is my opinion that any potential changes in the shadow effect or lighting would be minimal from that of the approved development and I consider it to be reasonable on account of the scale of the revisions to the house and the site location within a settlement boundary.

Conclusion

8.2.5. Overall, in relation to the concerns of impacts on the residential amenity of the appellants' property to the immediate north of the subject site, I am satisfied, having regard to the location and design changes that the subject development would not

give rise in any undue diminishment to residential amenities, particularly in terms of overlooking, loss of privacy and overshadowing/loss of light.

8.3. Archaeological Heritage

8.3.1. The grounds of appeal contend that the development will have significant impacts on the Recorded Monument (Ref. LE025-037) which is listed as a 'Ringfort - rath'. According to the Third Party, disruption to the archaeological monument would set a precedent and further concern is raised in relation submitted Archaeological Report and apparent contradictions by the Planning Authority in relation to archaeological testing.

8.3.2. I note that appeal site is indicated as being within the Zone of Notification for the recorded monument and part of what formed the earthen bank is inside the red line boundary of the site. I have had regard to available open source data on the National Monuments Service website which contains a description of this recorded monument and states that it is a fort bisected by a N-S Road on the 1835 and 1944 editions of the OS 6-inch map. I further note that the description refers to archaeological testing which was carried out on the appeal site under an earlier application which 'produced no related material'.

8.3.3. In considering the subject development, I am of the view that the Planning Authority had appropriate regard to the recorded monument in the assessment of the application. I further note that the planning application was referred to the Department of Housing, Local Government and Heritage who did not return any comments. I am of the view that archaeological monitoring/surveying has been carried out on the site in the past and the applicant addressed the Planning Authority's condition under the previous application. Based on the nature and extent of works before the Commission in this appeal, I do not consider that any matters in relation to archaeology arise which have not been previously considered.

8.4. Other Matters

Environmental Considerations

8.4.1. Concern has been raised in the appeal that the Planning Authority's Appropriate Assessment Screening Report is flawed and not compliant with the Habitat Directive in terms of impacts and water quality. It is further claimed in the appeal that the

Planning Authority's Environmental Impact Assessment pre-screening is also flawed and not in compliance with the Environmental Impact Assessment Directive as the result at the end of the document is inconclusive.

8.4.2. I have reviewed the Appropriate Assessment Screening and Determination appended with the Planner's Report. The Planning Authority assessed the subject development by identifying applicable Natura 2000 site(s) using Source-Pathway-Receptor model and had regard to the associated Qualifying Interests and Conservation Objectives. The assessment considered potential direct and indirect impacts of the development which may impact the European Site which included the construction and operational phases along with in-combination impacts and concluded that the development is not likely to have any significant effects on any European Site.

8.4.3. In addition, I have reviewed the Environmental Impact Assessment (EIA) Pre-Screening appended with the Planner's Report and whilst I note that the preliminary examination conclusion is unchecked as to whether or not EIA is or is not required, Part B of the document is completed whereby the Planning Authority has stated the development is not a project listed in Schedule 5, Part 2 of the Planning & Development Regulations 2001 thereby indicating that no screening is required.

8.4.4. In relation to the above, I refer to the Commission to my determinations in relation to Appropriate Assessment and Environment Impact Assessment as set out in sections 6.0 and 9.0 of this report respectively.

Intended Use/Need

8.4.5. The appellants' have queried the nature/intentions of the applicant's use of the dwelling and their ties to the local area. I firstly note that the appeal site is within the zoned settlement boundary of Ballinamore there is no requirement on the applicant to demonstrate local needs or association to the local area and that such requirements relate to rural generated housing. In relation to the intended use of the dwelling, I am of the view, having regard to the site's location in the settlement boundary of Ballinamore, that the intended occupancy of the dwelling is not a planning consideration for the Commission in this instance and I concur with the Planning Authority that speculation on the applicant's intentions are not a matter for consideration.

9.0 Appropriate Assessment (Screening)

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 9.2. The subject development essentially comprises the retention, completion and alterations to a previously granted dwelling within the settlement of Ballinamore. The appeal site is not located within or adjoining any designated Natura 2000 sites. The subject site is approximately 7.99km from the nearest designated site which is the Cuilcagh – Anierin Uplands Special Area of Conservation (Site Code: 000584).
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
 - The distance to the nearest European site and the lack of direct connections; and,
 - Taking into account the screening determination of the Planning Authority.
- 9.4. I conclude on the basis of objective information, that the subject development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

- 10.1. I have considered the subject development and I am of the view that the proposal 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 jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment. I refer the Board to Appendix 2 for my screening assessment.

11.0 Recommendation

- 11.1. I recommend that the Commission should uphold the decision of Leitrim County Council and grant retention and permission for the subject development based on the reasons and considerations set out below.

12.0 Reasons and Considerations

- 12.1. Having regard to the site planning history and the nature and extent of the proposed works along with the development to be retained, it is considered that the development, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would therefore be acceptable in terms of design and amenity.

13.0 Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application on the 25th February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The development shall comply with all relevant condition of the previous grant of permission P.A Ref. 2460024.

Reason: In the interests of orderly development.

3. The flat roofs in the setback areas at first floor level shall not be used as amenity space and shall only be accessible for essential maintenance.

Reason: In the interest of residential amenity and clarity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution

Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Matthew O Connor
Planning Inspector

14th August 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322495-25
Proposed Development Summary	Retention and completion, including alterations to the previously granted development (reference number 24/60024) consisting of revisions to the site layout plan, including reduced boundary setbacks and revised first floor plan and elevations.
Development Address	Willowfield Road, Ballinamore, Co. Leitrim
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	The development is not a Class.
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Screening the need for Water Framework Directive Assessment Determination

The subject site is located on lands at Willowfield Road in the settlement of Ballinamore, Co. Leitrim. The development comprises the retention and completion, including alterations to previously granted development (Reg. Ref.24/60024); revisions to the site layout plan; reduced boundary setbacks, and revised first floor plan and elevations. The development is to connect to the existing foul and surface water network.

No specific water deterioration concerns were raised in the planning appeal, however I do note that reference has been made to water quality impacts on the Upper Lough Erne/Lough Oughter SAC which is claimed by the appellants to be hydrologically connected to the Shannon-Erne Waterway/Woodford River and that the subject site drains directly into this watercourse.

The subject site is located approximately 250 metres to the northwest (as the crow flies) of the nearest waterbody, indicated as "Willowfield Lough" on respective data, which feeds a watercourse indicated as "Woodford (Cavan_010)" which flows southeasterly away from the site. According to available Water Framework Directive information, the watercourse is stated as being under 'Review'. I further note that there are a number of other watercourses in Ballinamore with the Fahera River some 640 metres to the northwest of the site which is indicated as being under "Review" and connects to the Shannon-Erne Waterway/"Yellow (Ballinamore)_030" in the town centre. There is another small watercourse, named as the "Tully 36" some 690 metres to the west of the site which is indicated as being under "Review". In addition, the "Curragha_Shillaun" river is approximately 840 metres to the east of the site and also indicated as being under "Review". From review of the available information, there is no apparent direct hydrological connection to the lake or watercourses in the vicinity from the subject site.

The Groundwater Body is indicated as the Ballinamore-Swanlibar groundwater body which is stated as being 'Not At Risk' in relation to meeting its Water Framework Directive objectives.

I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. scale and nature of the development being a single detached dwelling; and,
- Location and distance from the nearest water bodies and/or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.