



An
Coimisiún
Pleanála

Inspector's Report ACP-322827-25

Development	Construction of a house and all associated site works.
Location	Ballyweelin, Rosses Point, Co. Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	2460185
Applicant(s)	Ian & Fernanda Bourke
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Fergal & Ide Hickey
Observer(s)	None.
Date of Site Inspection	13 th August 2025
Inspector	Matthew O'Connor

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Appendix 1: Form 1 - EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The appeal site is 0.233ha is located in the townland of Ballyweelin some 2.2km to the east of the settlement of Rosses Point and some 6.5km to the northwest of Sligo town centre, Co. Sligo. The appeal site is generally rectangular in shape and comprise part of an agricultural field on the northern side of the L-7312 (Local Road). The topography of the site and surrounding area is generally flat but does slope down towards the Garavogue Estuary some 450 metres to the south. The roadside boundary comprises an embankment topped with overgrown grasses and other scrub vegetation. The western (side) boundary is the party boundary with a neighbouring residence and is formed by a mix of planted hedging and trees. The remaining site boundaries are undefined as it is within the grassed field. Overhead cables pass along the roadside and traverse part of the site.
- 1.2. The immediate surrounding locality is characterised by a considerable number one-off rural dwellings which are set out in linear rows or contained in compact clusters served by small cul-de-sacs. There are no Protected Structures or National Monuments within or immediately adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 1.1. The subject development, as applied for, comprises the following:
- Construction of a two-storey dwelling (198sq.m);
 - Provision detached garage (27sq.m) and shed (19.2sq.m);
 - New residential entrance; and,
 - Installation of wastewater treatment system with polishing filter.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission for the subject development, subject to 9 no. conditions. I note the conditions are generally standard in nature, however the following are of note:
- Condition 1: Occupancy restriction/limitation.
 - Condition 2: Development shall be carried in accordance with submitted plans.

- Condition 3: Submission of revised western elevation and details.
- Condition 4: Finished floor levels.
- Condition 5: Landscaping details/requirements.
- Condition 6: No external lighting, subject to P.A agreement.
- Condition 7: Surface water drainage.
- Condition 8: DWWTS specification.
- Condition 9: Financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first Planner's Report had regard to the submitted documentation, locational context of the site, policy framework of relevant Development Plan; any inter departmental/referral reports; and, the submission received.
- In terms of assessment, it was noted that no information was submitted with the application to indicate the applicant's current housing circumstances or to demonstrate a housing need relevant to the local rural community. Further Information was therefore required.
- The siting and design of the dwelling was deemed to be generally acceptable in the context of the existing clustering of houses in the area. The two-storey design was also deemed to be acceptable; however, Further Information was requested in terms of the FFL and ridgeline or neighbouring properties.
- The Planning Authority did not support the removal of the roadside boundary and noted that no details were included in terms of planting/landscaping. Therefore, further information was required.
- In relation to access, the Planning Authority noted the development seeks a new entrance. The Planning Authority indicated that sightlines were not provided and Further Information was required.
- The Planning Authority noted the proposal for a wastewater treatment system and indicated that the Site Suitability Assessment was reviewed by the Environmental Services section and was deemed to be adequate - subject to conditions.
- No concerns were raised in respect of AA or EIA.

- Further Information was sought in relation to 4 no. items - 1. Provision of further social/economic rural housing need documentation; 2. Submission of a Site Layout Plan, Site Sections and context elevations indicating existing/proposed levels across site and finished floor levels and ridge height of neighbouring properties; 3. Revised Site Layout Plan demonstrating sightlines in both directions from entrance; and, 4. Provision of boundary treatment/landscaping and omission of proposed roadside wall.
- The second Planner's Report provides an analysis of the applicant's Further Information response and forms the basis for the grant permission. The Planning Authority noted the applicants' response in relation to local needs and their connection to the area. The Planning Authority also noted that the dwelling has been re-sited with no design changes indicated. The dwelling was deemed as acceptable and considered the proposal would not result in significant detrimental impact on adjoining residential amenity given its siting, scale and design. It was further noted that the boundary is to be largely retained in line with Development Plan guidance. The Planning Authority noted that sightlines in both directions were originally indicated and that revisions submitted to the siting and boundary treatments do not impact on the proposed access.
- The Planning Authority was satisfied that the response to the Request for Further Information was acceptable.

3.2.2. Other Technical Reports

- Engineer - No objection, subject to conditions.
- Area Engineer - No response received.

3.3. **Prescribed Bodies**

- Uisce Eireann - No response received.

3.4. **Third Party Observations**

- 3.4.1. One third party observation was received and the issues raised are similar to those in the appeal. Nevertheless, the issues raised are broadly summarised as follows:
- No objection to the principle of development and it is acknowledged that permission was previously approved on the site for a dwelling.

- Concerns regarding overshadowing and overlooking from proposed dwelling and mitigation is sought in terms of amendments to house design or re-siting.
- Reference is made to the building line of the proposed dwelling and suggests that the proposed dwelling be set back to a position behind the neighbouring property.
- Road safety concerns in relation to the proposed entrance and it is recommended that the entrance be relocated to the south-eastern corner of the site.
- The submitted plans should detail floor level in relation to the ground level on site.
- Boundary treatments and landscaping should be provided to assist assessment of impacts on neighbouring property.
- The domestic garage is to be sited c. 2 metres from neighbouring boundary and it is preferred if this building be relocated away from the western (side) boundary.

4.0 Planning History

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

12238 Permission GRANTED for the erection of a detached two storey 195m² single family dwelling with 3 bedrooms, 3 bathrooms, gallery / library, living and dining rooms, kitchen, detached garage, detached shed, septic tank and percolation area, associated site works and landscaping. Applicant: Ian Bourke.

An Extension of Duration of the above permission was granted on 4th January 2018 and expired on 13th April 2023.

2460182 Application for the construction of a 2 storey domestic dwelling with new residential entrance, detached garage and shed, wastewater treatment system with polishing filter and all associated site works. Applicants: Ian & Fernanda Bourke. STATUS: WITHDRAWN.

5.0 Policy Context

5.1. Development Plan

5.1.1. The application was initially assessed by Sligo County Council in accordance with the policies and objectives of the Sligo County Development Plan 2017-2023. The Sligo County Development Plan 2024-2030 was adopted on 30th September 2024 and came into effect on 11th November 2024 – with the exception of parts of the Plan affected by a Draft Ministerial Direction. The planning application was determined under the

current Development Plan and I have assessed the proposal under the provisions of this operative Development Plan, namely the Sligo County Development Plan 2024-2030. I am also satisfied that the Draft Ministerial Direction has no particular implications for the subject site from an assessment perspective.

- 5.1.2. Chapter 5 relates to 'Settlement Strategy' with section 5.5 containing commentary of the 'Strategy for Rural Settlement'. The appeal site is located in a rural area of County Sligo which is not within a designated/zoned settlement. According to the Core Strategy Map in the Development Plan, the appeal site is located in a 'Rural Area under Urban Influence (RAUI)'. The following policies are considered relevant to the subject development:

SP-S-9 Strengthen existing rural communities by facilitating sustainable rural settlement in accordance with the National Planning Framework and the National Policy Objective 19, which requires that a distinction is made between areas under urban influence and rural areas elsewhere.

A. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

B. In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

SP-S-10 Accommodate proposals for one-off rural houses in Rural Areas Under Urban Influence, subject to normal planning considerations and compliance with the guidance set out in Section 33.4 Housing in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners and farmers, including their sons and daughters, who wish to build a first home, in this area, for their permanent occupation on the landholding associated with their principal family residence; [PA-15]

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource-based employment;

C. persons who have no family lands, but who wish to build their first home for their permanent occupation in the area of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives (this provision does not apply in cases where the original family home is located in an area zoned for development in a town or a village);

D. persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community for a substantial and continuous part of their lives, or by the existence in this community of long-established ties with immediate family members;

E. persons who are required to live in a rural area for exceptional reasons, including health reasons. Such applications must be accompanied by a specialist's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application should also be supported by a relevant disability organisation of which the applicant is a member, where applicable,

AND where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area.

Note: This policy does not apply to sites located within the development limit of villages (in RAUI).

5.1.3. Chapter 23 relates to 'Landscape Character' with a number of landscape characterisations set out for the County. The subject site is located in a 'Normal Rural Landscape' which is described as 'areas with natural features (e.g. topography, vegetation) which generally have the capacity to absorb a wide range of new development forms – these are farming areas and cover most of the County. Certain areas located within normal rural landscapes may have superior visual qualities, due

to their specific topography, vegetation pattern, the presence of traditional farming or residential structures. These areas may have limited capacity for development or may be able to absorb new development only if it is designed to integrate seamlessly with the existing environment'. The following policies are considered to be relevant:

P-LCP-1 Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character. Planning applications for developments that have the potential to impact significantly and adversely upon landscape character, especially in Sensitive Rural Landscapes, Visually Vulnerable Areas and along Scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.

P-LCP-3 Preserve the scenic views listed in Appendix C and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or, in the case of individual houses, to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 33.4 Housing in rural areas (development management standards).

5.1.4. Chapter 26 relates to 'Residential Development' with section 26.4 referring to 'Housing in Rural Areas'. The following policies are considered to be relevant in the context of the subject development:

P-RHOU-1 Encourage those who wish to build in rural areas to apply traditional principles in the siting and design of new houses, while facilitating high-quality modern design solutions.

P-RHOU-2 Require new house proposal in rural areas to comply with the guidance set out in Section 33.4 Housing in rural areas (development management standards).

5.1.5. Chapter 33 relates to 'Development Management Standards' and contains specifications for matters such as impacts of development, building lines, impact on surrounding developments, surface water and on-site wastewater treatment amongst other considerations. Section 33.4 relates to 'Housing in Rural Areas' and it is stated that new development in rural areas should be absorbed and integrated successfully

into the rural setting, i.e. development should harmonise or ‘read’ with the existing traditional pattern of development and not intrude on unspoilt landscapes. Sligo County Council will accept houses designed according to traditional/vernacular principles or houses of high-quality, modern design where suitable. The following normal planning considerations are of note – but not exhaustive:

- How the proposal relates to the Core Strategy/Settlement Strategy, general policies and specific objectives of the County Development Plan;
- Whether the site is in an exposed location where the proposed development would be visually obtrusive;
- The settlement pattern of the area and the potential for over-development or ribbon development; Whether the siting, design and scale of the proposed development are appropriate to the surrounding natural and built environment;
- Whether the proposed site entrance is on a dangerous or high-speed stretch of road;
- Whether a large number of mature trees or an excessive length of roadside hedgerow need to be removed to provide an entrance;
- Whether there are any effluent disposal, surface water drainage or water supply concerns;
- Whether there are any pollution or other public safety concerns;
- Whether the proposed development would unduly affect other properties in the area (e.g. by overlooking, loss of daylight or overshadowing).

5.1.6. Section 33.4.1 relates to ‘Rural-generated Housing Need’ and refers to Chapter 5 of the Development Plan in respect of accommodating applicants with a demonstrable economic or social need to live in a rural area. According to the Development Plan, the following documentation will be required to demonstrate a housing need in Rural Areas under Urban Influence (RAUI):

- a signed statement from the applicants detailing (as relevant) their current and historic housing circumstances, including past or current ownership of any other dwelling(s) within the respective rural area, details of any previous planning permissions obtained, intention for permanent occupation of the proposed dwelling and explaining the social and economic circumstances which require them to live in the respective rural area.

- land registry documentation showing ownership of the proposed site; map showing location of the principal family residence/original family home, where relevant;
- proof of link to the rural community in which the applicant wishes to reside including, if relevant, details of length of occupancy of any rented property within the rural community;
- any other details that may be deemed necessary by the Planning Authority, to be agreed at pre-planning stage.

5.1.7. In addition to the above, section 33.4.2: Site Selection – locating a house in the landscape; section 33.4.3: Rural House Design; and section 33.4.4: Site boundaries, set out the criteria for assessing rural dwellings. Table 33.5: ‘A guide to designing a house in the rural vernacular style’ provides general guidance for rural house design.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within any designated Natura 2000 sites. However, there are a number of designated sites which are proximate to the appeal site - Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627) which is approximately 0.28km to the northwest; the Cummeen Strand SPA (Site Code: 004035) which is approximately 0.46km to the south; the Drumcliff Bay SPA (Site Code: 004013) which is approximately 0.99km to the north; the Ballintemple and Ballygilgan SPA (Site Code: 004234) which is approximately 3.57km to the north; the Lough Gill SAC (Site Code: 001976) located approximately 5.4km to the southeast; the Ben Bulbin, Gleniff and Glenade Complex SAC (Site Code: 000623) which is located approximately 5.63km to the northeast; the Sligo/Leitrim Uplands SPA (Site Code: 004187) which is approximately 5.65km to the northeast; the Donegal Bay SPA (Site Code: 004151) which is approximately 12.15km to the south; the Ballysadare Bay SPA (Site Code: 004129) which is approximately 6.63km to the south; the Ballysadare Bay SAC (Site Code: 000622) which is approximately 6.65km to the south; the Streedagh Point Dunes SAC (Site Code: 001680) which is approximately 9.6km to the north; and, the Ardboline Island and Horse Island SPA (Site Code: 004135) which is approximately 9.72km to the northwest. In addition, the Cummeen Strand/Drumcliff Bay (Sligo Bay) is also a pNHA (Site Code: 000627).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A Third Party appeal has been received in relation to the Planning Authority's decision to grant permission. The grounds of appeal are submitted by occupants of the neighbouring property to the immediate west of the appeal site. The appeal reiterates a number of matters raised in the original planning submission to the Planning Authority. The grounds of appeal can be summarised as follows:

Rural Housing Strategy

- The appellants have no objection to the proposal in principle and note permission was previously granted on the site.
- Reference is made to non-compliance with Policy P-RAUI-HOI-1 of the Sligo County Development Plan 2017-2023 as the site is not immediately associated with the family residence on account of the site being some distance away from family home and is separated by the appellants' property.

Impact on Residential Amenity

- The proposal will result in a loss of amenity to the appellants' property by virtue of overlooking and overshadowing.
- Concern raised with first floor gable windows on western elevation which would overlook the appellants' property.
- Appellant requests that west-facing first floor level windows be omitted as the bedrooms have windows facing front and rear.
- Planting along the shared side boundary will have no leaves during the winter and provide little/no screening at this time of year.

- Appellants suggest the applicant obtain a site with greater frontage to the public road in order to relocate the proposed dwelling a greater distance from the western boundary of the appellants' property.
- Alternatively, the appellants suggest the driveway be relocated to run between the proposed dwelling and western boundary of the appellants' property to increase the separation distance.
- As a further alternative, the appellants suggest the proposed dwelling be relocated closer to the centre of the field to reduce the impact on the appellants' property.
- Condition No. 3 of the decision in relation to the gable windows is vague and may well be unenforceable and left the appellants with no option except to appeal the development in order to protect their amenity.

Traffic Safety

- The new vehicular entrance should be relocated to the south-eastern corner to maintain a safer distance from the existing vehicular entrance to the appellants' property.
- The hedge should be trimmed and maintained to improve road safety along this section of the road.
- The dwelling will add to existing traffic on a rural road ill-designed for such traffic and may constitute a traffic hazard.

Landscape Impact

- No attempt made for 'cutting in' to reduce the impact on the landscape of this visually vulnerable area.
- The proposed garage is 2 metres from western boundary. The appellants would prefer locating this building a greater distance from their western site boundary.

7.2. Applicant Response

7.2.1. A response to the appeal has been received on behalf of the applicants and is summarised as follows:

- The appellants have indicated no objection to the dwelling in principle.
- Under Policy P-RAUI-HOU-1, landowners and their sons or daughters are explicitly permitted to build a first home on land associated with the principal family residence. This policy does not set a strict distance between the parent's home

site and the new house site but focuses on whether the site is on the same landholding as the principal residence; and, within the defined area under urban influence in Sligo's County Development Plan.

- The subject site is 31 metres from the family home site and has always been part of the family landholding of the principal family residence.
- In relation to loss of amenity, the applicants responded to the initial submission and the Further Information submission by the Third Party and offered alternative design solutions.
- Revisions/amendments are included with the appeal for consideration by the Commission such as moving the dwelling further from the shared boundary, removing first floor windows facing the western boundary, relocating the driveway to the west of the proposed dwelling and removal of the shed
- The driveway position was decided by the Planning Authority. Moving the entrance to the southeast corner is closer to the bend and would be a greater traffic hazard than proposed location. Hedgerows will be trimmed and maintained to ensure maximisation of sightlines.
- The proposed ridge height is higher than the appellants' property by 0.48 metres. The style/design of the dwelling will allow it to sit well with the row of houses in the area. The road is in a scenic area however the site is only partially visible from across the bay due to mature growth. Cutting-in is not considered necessary.
- The proposed garage is set back 6.8 metres from the proposed dwelling and is of little consequence to the appellants' property. It is possible to move the shed northwards but the aim for same queried.

7.3. Planning Authority Response

7.3.1. A response to the appeal was received from the Planning Authority and the comments are set out as follows:

- The Planning Authority refer to the Planner's Reports as well as the decision to grant permission.
- Item 2 of the Appellant's submission refers to policy provisions of the previous Sligo County Development Plan 2017-2023 however, the subject development

was determined under the Sligo County Development Plan 2024-2030 where S-SP-10 is applicable.

- The Planning Authority is satisfied with the relationship of the proposed development and the neighbouring dwelling and that it would not result in any significant detrimental loss of amenity by overlooking and the Planning Authority is satisfied with the proposed additional mitigation measures detailed with the application and as conditioned.
- The proposal would be acceptable at this location and is consistent with the policies of the Development Plan and so it is requested that permission be upheld.

7.4. Observations

- None.

7.5. Further Responses

7.5.1. A further response to the applicants' appeal response was received on behalf of the appellants dated 6th August 2025 stating that they are in agreement with the proposed changes to the house design and site layout and would be pleased if these were to be approved as such.

7.5.2. Additionally, a further response was also received from the Planning Authority, dated 7th August 2025, and states that the Planning Authority would have no objection to the amendments to the siting and design of the dwelling as detailed in the submission dated 15th July 2025.

8.0 Assessment

Having examined the application details and other associated documentation on file, the Third Party appeal, the responses of the applicants and the Planning Authority along with the further responses of the appellants 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:

- Compliance with Rural Housing Strategy
- Impact on Residential Amenity
- Visual/Landscape Impact

- Access & Sightlines
- Drainage & Wastewater Treatment
- Appropriate Assessment (Screening).

8.1. Compliance with the Rural Housing Strategy

8.1.1. The appellants have queried the applicants' compliance with Policy P-RAUI-HOI-1 of the Sligo County Development Plan 2017-2023 on account of the appeal site not being immediately associated with the applicant's family residence on the basis of distance and being separated by the appellants' property.

8.1.2. In the interests of clarity, I note this application was initially assessed under the previous Sligo County Development Plan 2017-2023 (as varied and extended) where the provisions of Policy P-RAUI-HOI-1. In brief, the following categories of applicants were applicable to the policy - landowners, including their sons and daughters wishing to build their first home for permanent occupation on the landholding associated with the principal family residence; persons whose employment is primarily rural-based with a genuine need to live in that locality; persons with no family lands wishing to build first home within the rural community which they have spent substantial and continuous parts of their lives; persons with a link to the rural community wishing to build their first home by reason of having lived in this community or by the existence of long-established ties with immediate family members; persons requiring to live in a rural area for exceptional reasons including health reasons. However, the application was determined by the Planning Authority under the current Sligo County Development Plan 2024-2030 (which was adopted on 30th September 2024 and came into effect on 11th November 2024) whereby Policy SP-S-10 is applicable for one-off rural houses in Rural Areas Under Urban Influence. In my opinion, the provisions of the above policy are fundamentally the same as Policy P-RAUI-HOI-1 of the previous Sligo County Development Plan 2017-2023 (as varied and extended) insofar as they relate to the categories of applicants along with the requirements of demonstrating a rural housing need (see section 5.0 of this report).

8.1.3. In considering the applicant's genuine rural housing need, I note that in response to a request for Further Information, the applicant submitted an OS Map detailing the family home (situated approximately 30 metres to the west of the appeal site) along with the appeal site and the lands in the control of an applicant's sisters. A letter signed by one

of the applicants indicating their ties to the locality through residency, attendance at schools and involvement with sports organisations. The applicants also set out their current habitable status and employment connections to the area. From my review of the appeal file, I note that no actual documentary evidence has been provided with this application to corroborate the claims of the applicant, however, to this end, I note that the appellants have not queried the bona fides of the applicant in the appeal and I acknowledge that the Planning Authority have deemed the submitted information to be in accordance with criteria of Section 33.4.1 ('Rural-generated Housing Need') of the Sligo County Development Plan 2024-2030.

8.1.4. In respect of the appellants claim that the subject site is not in compliance with Policy P-RAUI-HOI-1 of the Sligo County Development Plan 2017-2023 as the site is not immediately associated with the applicant's family residence due to distance and being separated by the appellants' property, I refer to the now applicable Policy SP-S-10 of the operative Sligo County Development Plan 2024-2030 as it relates to proposals for one-off rural houses in Rural Areas Under Urban Influence. Some such categories for applicants include landowners, including their sons and daughters, wishing to build a first home for their permanent occupation on the landholding associated with their principal family residence (category A); persons with no family lands, wishing to build their first home for their permanent occupation in the area of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives (category C); and, persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community for a substantial and continuous part of their lives, or by the existence in this community of long-established family ties (category D). Given that the appeal site has been detailed as being in the control of the applicant's family and is approximately 30 metres from the applicant's original family home, I am satisfied that the applicant would meet the above applicant categorisations of Policy SP-S-10 of the Development Plan.

8.2. Impact on Residential Amenity

8.2.1. The appellants raise concern in respect of adverse residential amenity impacts from the subject development on account of overshadowing and overlooking. The appeal refers to the first floor windows on the west-facing elevation of the proposed dwelling and concerns regarding the vagueness and enforceability of Condition No. 3 regarding

screening of these particular windows. The appellants also included a number of mitigation measures aimed at protecting their amenity such as the location of the dwelling to a different site, moving the dwelling closer to the centre of the field away from their property and relocating the driveway to the west of the proposed dwelling to increase separation distance.

8.2.2. The applicants' response to the appeal notes that replies were made to the appellants' initial submission and submission at Further Information stage whereby changes were incorporated into the proposal to address concerns. As part of the appeal response, the applicants now propose further amendments/revisions to the proposed development, for consideration by the Commission, to satisfy the residential amenity concerns of the appellants. These changes include the removal of the first floor level windows on the side (west-facing) elevation; the re-siting of the dwelling 7.085 metres from the western site boundary which is shared with the appellants (an increased separation of 2.78 metres); relocation of the proposed driveway from the east of the dwelling to the west; and, omission of the proposed shed which was to be sited to the north-east of the dwelling.

8.2.3. In relation to the proposed revisions submitted with the applicants' appeal response, a further response from the appellants was received stating that they are in '*agreement with the proposed changes to the house design and the site layout and would be pleased if these were to be approved as such*'. Additionally, the Planning Authority have provided a response to the proposed revisions which indicates no objection to the amendments.

8.2.4. Having regard to the proposed dwelling design and its siting relative to the neighbouring property of the appellants, I am satisfied that the development approved by the Planning Authority had appropriate separation from the appellants' property and would not consider result in any significant shadowing impacts and that any potential changes in the shadow effect would be minimal. In addition, given that the proposed development would maintain the same orientation (south facing), building line and introduce screens, I am satisfied that overlooking from the first floor level windows would not have a significant negative impact on the residential amenity of the neighbouring dwelling to the west. Nevertheless, I acknowledge that the applicants have sought to introduce further compromises on the design and siting of the dwelling to overcome the concerns raised by the appellants in relation to impact on residential

amenity. I further note that these design/siting changes have been deemed as acceptable in writing by both the appellants and the Planning Authority. On balance, I consider that the siting and design changes are relatively minor in the overall context of the development, and I am satisfied that the subject development would not give rise in any undue diminishment of residential amenities, particularly in terms of overlooking and overshadowing. I also note the omission of the proposed shed building from the development and that the proposed garage to be sited approximately 2 metres from the western boundary remains as proposed. This garage is set slightly behind the shed/garage on the appellants' property, and I consider that this proposed garage is appropriately sited in the context of the proposal. Additionally, I note that the applicants have included additional planting on the shared boundary to aid with screening, and such landscaping/boundary treatment measures can be conditioned in the event of a grant of permission. I therefore recommend that the Commission grant permission.

8.3. Visual/Landscape Impact

- 8.3.1. The grounds of appeal claim that no attempt has been made for the 'cutting in' of the proposed development to reduce the impact on the landscape. In my view, the demarcation of the site is somewhat ambiguous on the Landscape Characterisation Map as the Sligo Road (R-291) which is some 190 metres to the south of the site indicated as a 'Scenic Route' and the associated hatching appears to run to the L-7312 along the front of the site. From my interpretation of the map, the subject site is located in a 'Normal Rural Landscape' and I consider that my view would be supported on the basis that the L-7312 is not referenced in Appendix C: 'Designated Scenic Routes' of the Development Plan which outlines details of scenic views to be preserved.
- 8.3.2. The proposed two-storey dwelling has an indicated floor area of 198sq.m and rectangular in shape with a pitched roof height of 8.55 metres. I am of the view that the design is a contemporary take on a traditional farm house. The primary front (road facing) elevation measures 18 metres in length and the dwelling has a depth of approximately 6.7 metres (excluding front porch element) metres. The dwelling is shown to be finished with render on the principal elevations with a slated roof. I am of the view that the simply narrow style and two-storey form mass of the proposed dwelling along with the choice of materials has been appropriately considered and

would comprehensively comply with the recommendations of Table 35: 'A Guide to Designing a House in the Rural Vernacular Style' of the Development Plan.

8.3.3. Having regard to the surrounding area, I note that there are a number of one-off rural houses of various designs and styles. From my observations, views of these properties is limited on account of the prevailing topography and established trees/hedgerows. I am also of the view that the subject development would read as an extension to the existing clustering of houses and would be generally consistent in terms of scale and height. To this end, I am satisfied that the proposed dwelling could be absorbed by the surrounding area and would be capable of integrating into the receiving environment without detrimental or adverse impact to the visual or scenic amenity of the area.

8.4. Access & Sightlines

8.4.1. The grounds of appeal claim that the proposed dwelling will add to existing traffic on a rural road which is ill-designed for such traffic and may constitute a traffic hazard. The appellants request that the new vehicular entrance be moved to the southeastern corner of the site in order to maintain a safer distance from their existing entrance and that the hedges be trimmed/maintained to improve road safety on this road.

8.4.2. In considering the subject development, I note that proposed entrance is off-centred to west of the roadside boundary. The Planning Authority's Request for Further Information sought a revised Site Layout Plan demonstrating sightlines in both directions but subsequently acknowledged that a sightline drawing was submitted at application stage indicating lines of vision 75.065 metres to the west and 65.86 metres to the east. The Planning Authority noted that sightlines of 70 metres in both directions was deemed to be acceptable for the dwelling previously approved on the site under Reg. Ref. 12/238.

8.4.3. During my inspection of the appeal site, I observed the L-7312 to be of limited width and there is a sharp bend to the east. I note that visibility from the proposed entrance on the appeal site is restricted to approximately 65 metres and that the required 90 metre sightlines could not be achieved. In my view, the road is lightly trafficked and primarily serves the cluster of dwellings in the immediate vicinity and surrounding agricultural lands. It is my opinion that this road would be conducive to lower traffic speeds on account of the alignment and carriageway width and in this regard, I would have no objection to the reduction of sightlines.

8.4.4. I further note the appellants have sought the relocation of the entrance to the southeastern corner of the site in order to maintain a safer distance from the vehicular entrance serving their property. The applicants have not revised the entrance as they consider that relocating the entrance to the south-east would be a greater traffic hazard. Having considered the proposal and having inspected the site, I am of the view that the proposed entrance would not impact on the neighbouring entrance to the west. I further consider that the relocation of the proposed entrance closer to the bend to the southeast would constrain vision lines and therein result in a traffic hazard.

8.5. Drainage & Wastewater Treatment

8.5.1. I note that matters in relation to wastewater and site drainage have not been specifically raised as an issue in the appeal submission. However, in terms of completeness of assessment, I am of the view that the Commission be satisfied the subject site is suitable for wastewater treatment and drainage.

Water Supply

8.5.2 In terms of water supply, the applicants indicate that water supply will be via new connection to the public water mains. No response was received on file from Uisce Eireann in terms of capacity or constraints. I therefore consider that standard capacity and connection arrangements in line with Uisce Eireann best practice could be agreed in the event of a grant of permission.

Surface Water Drainage

8.5.3. In respect of surface/storm water drainage, the applicant has indicated that the surface water disposal will be by way of a soakpit. At the time of my site inspection, I observed the site was dry and I did not identify any features or associated vegetation to suggest any apparent drainage issues. I consider the proposed surface water drainage to be standard in nature and would be a satisfactory arrangement given the nature of the development and as observed site conditions. As such, I do not consider that this drainage method would give rise to any significant flooding/run-off risk from the site onto the public road or adjoining lands.

Wastewater Treatment

- 8.5.4. The applicants submitted a Site Characterisation Form (SCF) which concludes by recommending the installation of a septic tank and percolation area. I have reviewed this report and note that the site is in an area with a Locally Important Aquifer and has a high groundwater vulnerability. The SCF notes that a 3 metre deep trial hole was dug and that the water table was encountered at 2.1 metres. The soil/sub-soil for the first 1 metre is described as being silt and silt/clay which is classified as having a crumb and blocky structure and an uncompact and firm density. The surface test result has not been stated but the sub-surface test result is indicated as 21.64. Section 4.0 (Conclusion of Site Characterisation) of the SCF indicates that the site is suitable for development and Section 5.0 (Selected DWWTS) proposes to install a septic tank and percolation area to discharge to ground water.
- 8.5.5. There is a report from the Environment Section of Sligo County Council on the appeal file which indicates no objection in principle to the proposed development - subject to conventional conditions in relation to installation of the wastewater system. Having regard to the information on file and having inspected the appeal site, I am satisfied that the proposed disposal and treatment of wastewater to be acceptable and would be in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

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 comprises the construction of a house in a rural area. The appeal site is not located within or immediately adjoining any designated Natura 2000 sites. The subject site is approximately 0.28km from the nearest designated site which is the Cummeen Strand/Drumcliff Bay (Sligo Bay) Special Area of Conservation (Site Code: 000627). Other sites within 1km of the appeal site include the Cummeen Strand Special Protection Area (Site Code: 004035) and the Drumcliff Bay Special Protection Area (Site Code: 004013) which are approximately 0.46km and 0.99km from the site respectively.

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 proposed 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. The subject site is located within a rural area approximately 455 metres from the nearest water feature – the sea at ‘Sligo Harbour’ or Garavogue Estuary. The nearest waterbody is Doonweelin Lough which is 835 metres to the northwest and subsequently feeds via a stream (Rosses_Lower or Cregg (Sligo)_10) into another lake/wetland named Curraghmore which outflows via the same stream to the sea. I am unable to confirm the condition/status of the lake waterbodies however, the associated watercourse indicated as being at “Review” stage. Available data from Water Quality reporting for 2016 – 2021 indicated the value of this watercourse as being ‘Good’ The groundwater body is listed as Rosses Point which is indicated as “Not at Risk”. The subject development comprises the construction of a dwelling. No water deterioration concerns were raised in the planning appeal.

10.2. 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 and scale of the development, and,
- Distance from nearest waterbodies and lack of hydrological connections.

10.3 I conclude that on the basis of objective information, the subject 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.

11.0 Recommendation

11.1. I recommend that permission be GRANTED for the reasons and considerations outlined below.

12.0 Reasons and Considerations

12.1. Having regard to the provisions of Sligo County Development Plan 2024-2030 with respect to rural housing, the specific characteristics of the site and its surrounds and 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 be in keeping with the pattern of development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 27th May 2024, 9th April 2025, and as amended on appeal date received 5th July 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicants, members of the applicants' immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicants shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. The domestic garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: In the interest of development control.

4. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the Planning Authority for such works and services and the details of which shall be agreed in writing prior to the commencement of development.

Reason: In the interest of traffic safety and to prevent flooding and pollution.

5. 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.

6. Prior to the commencement of development, the applicant shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and include any specific requirements if appropriate.

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

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 27th May 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

8. A comprehensive landscaping and boundary scheme shall be submitted to and agreed in writing with the Planning Authority, prior to commencement of development. This scheme shall include the following:

(a) Details of all landscaping along with proposed locations of trees and/or other landscape planting in the development, including details of proposed species, settings and any trees to be removed/retained; and,

(b) Details of boundary treatments at the perimeter of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with landscape drawings submitted to the Planning Authority. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 2 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

9. 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 development to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. The 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

18th September 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-322827-25
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Ballyweelin, Rosses Point, Co. Sligo.
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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☒ Yes, it is a Class specified in Part 1.	Class 10(b)(i)(iv) - Infrastructure Projects
☐ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	

EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units - The subject development is subthreshold as it relates to 1 no. dwelling.

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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP-322827-25
Proposed Development Summary	Construction of a house and all associated site works.
Development Address	Ballyweelin, Rosses Point, Co. Sligo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The development comprises the construction of a dwelling, garage, new entrance and DWWTS in a rural area. Water supply will be from the public mains and foul will be treated by way on an on-site DWWTS. The area of the dwelling is 198sq.m and the garage is 27sq.m on a site of 0.233ha. The size of the development would not be described as exceptional in the context of the existing environment. The subject development will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster or is vulnerable to climate change.
Location of development (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).	The subject development is situated on undeveloped lands in a rural area. It is adjacent to an established clustering of one-off houses. The location of the site is proximate to the coast. The area of the subject site is designated as an Area of Normal Rural Landscape in terms of landscape characterisation. There are no significant environmental sensitivities within or immediately adjoining the site. However, there are a number of Natura 2000 sites in proximity of the site. As such, potential impacts on these particular ecologically sensitive sites/ locations will require assessment. It is not considered that the proposed development would give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments. There are no other locally sensitive environmental sensitivities in the vicinity of relevance.

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 limited nature and scale of the proposed development (i.e. 1 no. dwelling and associated works), it is below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning & Development Regulations 2001 (as amended). There is no potential for significant effects on the environment and there would be no significant cumulative considerations in terms of other existing/permitted projects in the area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)