



An
Coimisiún
Pleanála

Inspector's Report

ACP-323083-25

Development	Erection of a storey-and-a-half type dwelling house (117sq.m.), proposed connection to public sewer, and all associated site works.
Location	Cloone, Kinlough, Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	2560101
Applicant(s)	Hugh Haran
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellants	Mark Deavin & Clodagh Kearns
Observer(s)	None
Date of Site Inspection	8th October 2025

Inspector

Paul Christy

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Appendix A – Form 1: EIA Pre-Screening

Appendix B – Form 2 - EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The subject site is a greenfield site located at the southern end of Kinlough village, but just outside of the 'Development Envelope' for the village as delineated in the Leitrim County Development Plan 2023-2029. The southern end of Kinlough is residential in character comprised of a combination of small estates and one-off dwellings.
- 1.2. The site is set back some c.126m from the L2095 Moneen Road. It is within, and at the eastern end of, a larger family landholding extending from the Moneen Road edge to the east of the subject site. The landholding is accessed via a right of way off the Moneen Road. A dwelling identified as 'Existing family home' on the submitted site layout plan is located at the western end of the overall landholding. This dwelling is contained within the Development Envelope for Kinlough along with attendant grounds to the north lying between the house and the Brooklawns housing estate.
- 1.3. The site is generally not visible from the public road due to the combined effects of its setback from the road, and existing buildings and trees/foliage generally obscuring any views to it. In addition, the family landholding is defined by a dense wooded area on its eastern side. A similar wooded area to the south appears to have been recently harvested.
- 1.4. The overall family lands generally slope downwards from the southern (rear) boundary to the northern (front) boundary. The subject site slopes down in a northerly direction with the highest point at the southern end being c.5m higher than the lowest point on the northern side. A narrow drainage channel identified on the site layout as '*Stream not captured on EPA water features map, intermittent to ephemeral flow pattern*' falls from the rear boundary to the front boundary of the overall landholding and runs parallel with, inside of, and adjacent to the western boundary of the subject site.

2.0 Proposed Development

- 2.1. The proposed development is for the erection of a regular, rectangular-shaped

storey-and-a-half dwelling house and connection to the public sewer. The dwelling has a floor area of 117m² and a ridge height of 7.7m. A hardstanding area with brushed concrete finish of c.130m² is also identified on the submitted site layout plan located to the north of, the proposed dwelling, as is a small area of proposed stone flags immediately to the west of the dwelling.

- 2.2. A right of way providing access to the existing family home is already in place via a junction off the L2095 Moneen Road. The junction is located within the 50kph speed restriction area. The right of way terminates at c.55m into the family landholding and it is proposed to access the subject site by extending the right of way for a distance of c.113m. The site layout plan identifies vision lines to the north at the junction of the right of way and the public road of '70m achieved', and '90m achievable'. Additional notation on the Plan identifies that further hedge cutting has been agreed with the landowner to reduce the level of the existing hedge to 800mm, presumably in order to achieve the stated increased vision lines. Vision lines to the south of the junction are identified as '70m achieved' and '80m+ achievable'. It is also noted on the submitted plans that the junction is within the 50km/h zone. The speed limit sign for 60km/h is located a further 200m to the south.
- 2.3. The existing length of right of way is finished in tarmac, or similar. It is generally narrow (typical width measures c.3.2m) but does widen at the point of joining the public road (c.5m). It crosses over the Kinlough River at a point c.15m in from the road edge. The proposed extended right of way crosses the narrow stream referred to at para. 1.4 above immediately to the north of the subject site. On the Site Layout Plan the following note is provided: '*Right of way to include concrete encased RC pipe*'.
- 2.4. In terms of effluent disposal, it is proposed to connect to the public sewer with the connection route generally following the route of the extended right of way. Surface water disposal is proposed via a soakaway. The site layout plans indicate a collection network connecting to the soakaway. With regards to water supply, on the application form submitted to the Local Authority, it is proposed to connect to the existing public water supply.

- 2.5. A concurrent application for another single dwelling located immediately to the east of the subject dwelling (Local Authority Ref. 2560102) was granted permission by the Local Authority on 24th June 2025 but is also the subject of a third party appeal to the Commission (Commission Ref. 323085). For that development, it is proposed to use the same right of way extension and sewer connection as the subject application. A separate soakaway is proposed for surface water drainage. The layout arrangement for the subject application and the concurrent application allows for a third plot between the existing family home and the subject plot. Notation on the submitted Site Location Map, notes '*Future Applicant Edel Haran*' against this plot.

3.0 Planning Authority Decision

3.1 Decision: Grant permission with conditions.

- 3.1.1. The conditions were generally standard in nature. Specifically with regards to the concerns raised in the appeal, Condition 8 addresses surface water disposal as follows:

'Condition 8: The development shall not impair existing land or road drainage. All surface water generated on-site shall be disposed of on-site and not allowed onto the public road or private laneway(s). The developer shall be responsible for the proper design, construction and maintenance of all surface water drains and soakaways installed as part of the development.'

Reason: To prevent interference with existing land or road drainage in the interests of proper development.'

3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: One report on file signed by an Assistant Planner dated 23 June 2025, and countersigned by a Senior Executive Planner also on 23rd June 2025. In terms of rural housing policy, it is noted in the Report that the site is located within the 'Other Rural Areas' designation in the Development Plan. In accordance with Policy RUR SET POL 2 (refer para. 5.2.2 below), and having regard to the

circumstances of the applicant, ie. that he is a family member (son) of the landowner, the Planner concludes that he is satisfied that the principle is deemed acceptable and in compliance with policy.

3.2.2. With regard to siting and design, the Planner notes the set back of the dwelling, the proximity to the settlement envelope and the peri suburban environment of the development and concludes that the resultant visual impact of the subject site, the adjacent site the subject of the concurrent application and appeal, and a third plot as identified on the Site Location Map *'will not be significant at this location and marries well with same'*. The Planner also observes that the site can accommodate a detached dwelling of the scale proposed and that it is: *'comparable in terms of layout and orientation to the houses adjacent without unduly impacting on same'*.

3.2.3. Otherwise, it is concluded in the Report that there is no likelihood of significant effects in terms of Appropriate Assessment and Environmental Impact Assessment.

3.2.4. Having regard to the concerns raised in the Appeal, the Planner refers to the comments contained in the Authority's Enforcement Officer report (refer para. 3.2.5 below) and otherwise addresses surface water management and potential flooding issues as follows:

- Refers to the submission made to the Local Authority by a third party (which third party is now the Appellants) and their:
 - ~ concerns regarding the current drainage arrangement of their existing housing estate *'arising from the diverted channel when originally constructed under planning reference P04/379 and asserts this to be inadequate'*;
 - ~ statement that the channel now travels underground through Manor Grove and causes flooding issues/concerns to this and to the adjacent Brooklawns estate, and that there is potential risk to life and property;
 - ~ consideration that the higher location of these subject sites on a sloped gradient will result in water travelling rapidly causing a surge which will be worsened by the groundworks of this proposed development.
- Responds to the third party submission with the following points:

~ *'Regard was made to' 'The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009' ('the Guidelines')* in order to fully inform the appropriate approach and ultimate decision for this proposed development;

~ The subject site is sited on high ground and does not lie within any known flood zone as identified at www.floodinfo.ie. Further to this, the subject lands referenced in the third party submission also do not lie within any known flood zone lands as identified on this website;

~ Notwithstanding, section 1.6: 'Objectives' of the Guidelines states that new developments shall also avoid increasing flood risk elsewhere, including that which may arise from surface water run-off;

~ Having regard to the separation distance between the subject site and existing housing estates of Manor Grove and Brooklawns, the Planning Authority considers that *'the risk of surface water runoff is minimal and should not arise in this instance'*;

~ Notes the proposed arrangements for surface water disposal, refers to and agrees with the comments of the Enforcement Officer, and concludes that: *'No issues arise from a flooding perspective'*.

3.2.5. [Other Technical Reports]

- Enforcement Officer (referred to in the Planner's report as 'Access Officer'): refers to the aforementioned third party submission on the planning application made to the Local Authority and their reference therein to previous interactions with him in 2015 in respect of flooding that occurs at their property in the Manor Grove estate, and their concerns now that the proposed development will result in an increase in the problematic flooding of their property. The EO then provides a brief technical assessment. This includes that:

~ the proposed impermeable area (roofs and yard) is considered to be minor in respect of the upstream catchment area of the submitter's property and likely to have no discernible impact on the existing flooding problem;

~ the surface water run-off from the impermeable areas will not be discharged to any open watercourse, instead being disposed of to below ground soak-aways, with the net effect of delaying the time of entry of the impermeable run-off into the drainage system to the rear of the neighbouring properties;

~ the garden area for the proposed development will remain as a permeable area with the access road proposed to be compacted gravel: these areas will therefore be permeable surfaced areas where the surface water run-off will remain largely as it is;

~ for these reasons, considers that the development will have no discernible or material impact on the neighbouring properties in terms of an increased flood risk and remains '*without objection*' to this application.

- Senior Executive Engineer: Generally positive report in relation to road safety issues, inclusive of a recommendation for the submission of revised site layout plan to include details of improvements to the site entrance.

3.3. **Prescribed Bodies**

- 3.3.1. [Uisce Eireann]: A report from UE dated 22 October 2024 and addressed to the Applicant is included on the Local Authority file¹. The Report is a standard UE report and, for both water and wastewater, it is advised that connection is feasible subject to the applicant being required to lay the service pipes from the site up to the boundary with the public road.

3.4. **Third Party Observations**

- 3.4.1. One submission received from Mark Deavin & Clodagh Kearns, now the Appellants. The issues raised in the submission are as per those set out in the Appeal. This is covered in Section 7 below.

¹ Assumed to have been submitted with the application to the Local Authority.

4.0 Planning History

4.1. Subject site

4.1.1. None.

4.2. Family Landholding

4.2.1. P.A. Ref. 9814189 Demolish existing house and construct new dwelling. 1999 Grant.

4.2.2. P.A. Ref. 031310 Remove existing bridge and construct new bridge; and construct 10 no. dwelling houses. 2004 Grant.

5.0 Policy Context

5.1. National Policy

5.1.1. [National Planning Framework, First Revision, April 2025] ('the NPF'): National Policy Objective (NPO) 28 of the NPF makes a clear distinction between '*areas under urban influence*' and '*elsewhere*' for the purposes of managing rural housing. The subject site falls into the latter '*elsewhere*' category. For these areas, the second bullet of the NPO provides that: '*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.*'

5.1.2. [Sustainable Rural Housing Guidelines for Planning Authorities, 2005]': A central focus of these Guidelines is the need for planning authorities to identify and differentiate between urban and rural generated housing, and the associated need for tailored policies. These Guidelines were produced at a time when the 'National Spatial Strategy' ('the NSS') was still operative although the NSS has since been superseded by the NPF. Section 3.3 of the Guidelines also addresses more practical considerations including: the pattern of landscape features (land-cover, habitats, trees); historic and archaeological areas and features; water bodies (including

rivers), and ridges, skylines, topographical features, geological features, and important views and prospects.

5.1.3. [The Planning System and Flood Risk Management Guidelines 2009, DECLG]: Key contents of relevance to this Appeal include:

- Section 1.6 – The core objectives of the Guidelines includes, inter alia:
 - ~ *‘Avoid inappropriate development in areas at risk of flooding;*
 - ~ *Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off.’*

5.2. **Development Plan: Leitrim County Development Plan, 2023-2029**

Rural Housing

5.2.1. In Section 2.8: ‘Rural Housing, Chapter 2: ‘Core Strategy’ and Section 3.17: ‘Rural Settlement Strategy’, Chapter 3: ‘Housing’ of the Development Plan the County is categorised into two sub-areas for the purposes of the assessment of rural housing – ‘Low Capacity Areas’ and ‘Other Rural Areas’. The subject site is located in the ‘Other Rural Area’ category (refer Map 3: ‘Rural Housing Map – Areas of Low Capacity, Volume III: Book of Maps).

5.2.2. In Chapter 3: ‘Housing’, Policies RUR SET POL 2 and RUR SET POL 3 are the key strategic policies in terms of managing appropriate rural housing for both areas:

- Policy RUR SET POL 2: *‘To manage the growth of areas that are under strong urban influence and identified as Low Capacity Areas (See Map No. 3 in Volume III - Book of Maps) to avoid their over development whilst accommodating demand from individuals for permanent residential development in Other Rural Areas, subject to normal planning considerations and having regard to the viability of smaller towns and rural settlements.’*
- Policy RUR SET POL 3 addresses occupancy restrictions for ‘Low Capacity Areas’. The Policy is silent on ‘Other Rural Areas’ and there is no other policy that places occupancy limitations on applications in ‘Other Rural Areas’.

5.2.3. Other relevant rural housing objectives and policies in Chapter 3 include:

- Policy RUR SET POL 6: Conformance to the Council's Design Guide for single houses;
- Policy RUR SET POL 7: Have regard to the Sustainable Rural Housing Guidelines including requirements in relation to the protection of water quality; safe access; and the conservation of sensitive areas (eg. natural habitats and protected landscapes);
- Policy RUR SET OBJ 5: *'To preserve and protect the open character of transitional lands outside of settlements in order to prevent linear sprawl near towns, villages and settlements and to maintain a clear demarcation and distinction between urban areas and the countryside.'*

Flooding

5.2.4. Section 9.8 'Flood Risk Management' in Chapter 9 'Infrastructure and Energy' includes the following:

- Policy FRM POL 2: *'To ensure that a flood risk assessment is carried out for any development proposal, in accordance with the Planning System and Flood Risk Management (DoEHLG/OPW 2009) and Circular PL2/2014. This assessment shall be appropriate to the scale and nature of risk to the potential development.'*

5.2.5. In the Strategic Flood Risk Assessment (SFRA) prepared for the Development Plan, the subject site and the adjacent housing estates are outside of Flood Zone A and Flood Zone B (refer SFRA Appendix II, p.132).

Surface Water Management

5.2.6. Section 9.9 'Storm Water Management' in Chapter 9 includes the following:

- Policy SWM 1: *'To implement Sustainable Urban Drainage Systems (SuDS) in developments to encourage a more sustainable approach to storm water management.'*
- Policy SWM POL 3: *'To require that new developments are adequately serviced with surface water drainage infrastructure which meets the*

requirements of the Water Framework Directive, associated River Basin Management Plans and CFRAM Management Plans'.

- Policy SWM 4: *'To limit the rate of surface water run-off to pre development levels for all green-field developments.'*
- Policy SWM 5: *'In the case of one-off rural dwellings, surface water shall be disposed of, in its entirety within the curtilage of the development site by way of suitably sized soak holes.'*
- Objective SWM OBJ 1: *'To require the use of Sustainable Urban Drainage Systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.'*

Natura 2000 Sites

Section 11.3.4 'Protected Plant and Animal Species' in Chapter 11, Heritage & Biodiversity includes the undernoted objective:

- Objective NH OBJ 1: *'To ensure that no project or programme giving rise to significant adverse, direct, indirect, secondary or cumulative impacts on the integrity of any Natura 2000 site(s), having regard to their qualifying interests and conservation objectives, arising from their size, scale, area or land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either alone or in combination with other plans or projects).'*

5.3. Natural Heritage Designations

- 5.3.1. The site is located: 0.61km to the south-west of Lough Melvin Special Area of Conservation (Site Code 000428) and Lough Melvin Proposed Natural Heritage Area (Site Code 000428); 0.67km to the west of Kinlough Wood Proposed Natural Heritage Area (Site Code 001415); 1.61km to the north of Arroo Mountain Special

Area of Conservation (Site Code 001403) and Arroo Mountain Proposed Natural Heritage Area; and 2.3km to the north of Sligo/Leitrim Uplands Special Protection Area (Site Code 004188).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The Appellants make it clear that they are concerned only with proposed surface water drainage arrangements. The grounds of appeal can be summarised as follows:
- The Appellants firstly provide details of the existing drainage arrangements. These include, inter alia, surface water from the overall family landholding of the Applicant draining into a stream that in turn enters a 300mm underground pipe at the south-east corner of the Brooklawns estate. The Appellants then observe that: the 300mm pipe *'has proved entirely inadequate to carry the volume of water that enters it at certain time of the year'*; it frequently blocks where the stream enters the pipe; much of the land in the vicinity of the mouth of the pipe is regularly flooded. They attach a diagram showing the area prone to flooding, and photographs illustrating flooding events. A further photograph is attached and notated as showing *'an intermittently filling stream as it flows through the site'*.

- The Appellants state that there are no adequate surface water management measures contained in the application or in the conditions attached to the notified permission. It would appear that the application includes no site investigation or analysis for the disposal of surface water. A SUDS type solution is not appropriate as the underlying gley soils do not allow for significant soakage.
- They allege that the cumulative effect of the subject application, the concurrent application and the potential future third application has not been taken into account. Their concern is that water (particularly in storm conditions) will be gathered by areas of hardstanding and roofs and be accelerated towards the stream and the area already prone to flooding.

7.1.2. The Appellants propose alternative surface water drainage arrangements. The proposal would see generated surface water gathered through gullies and drains and taken directly to the stream at the front of family landholding. The pipe should also take the water flowing in the intermittently filling ditch on site.

7.1.3. Two appendices are attached to the Appeal. The first Appendix is comprised of a submission made to the Local Authority application process. The second Appendix comprises correspondence from the Appellants to the Local Authority in 2015. Both documents raise the same concerns as those expressed in the Appeal, albeit in some greater detail.

7.2. **Applicant's Response**

7.2.1. A response was received from the Applicant. The response consists of: a cover letter; a 'BRE 365 Infiltration Rate Test' report; and a one page document entitled 'Appropriate Assessment Screening Result'.

7.2.2. In the cover letter, the key points noted are as follows:

- The flooding problem outlined by the Appellants is '*beyond our property*' and is due to the inadequate drainage design between Brooklawns and Manor Grove.

- The stream (ie. the stream that flows through the subject site and downhill across the family lands towards the Brooklawns and Manor Grove estates) *'might be a cause for flooding, we can accept that'* but the catchment area of the stream is not just the family landholding. The source of the stream is much further away towards the Arroo Mountain². It has a significant catchment area.
- Responding to the Appellants' request that the stream be rerouted across the family landholding to the stream adjacent to the public road, states that *'it seems unreasonable ... to request the termination of over 300m of an existing stream course, which is boundary to many properties north of us, to alleviate a problem which has been caused by the installation of an inadequate drainage pipe ...'* in the Brooklawns and Manor Grove estates.
- Prefaces the next point as follows: *'To move to what we accept as the valid point of the appeal'*. Refers to the Appellants' questioning of the lack of site investigation for the proposed soakaway. Refers to the Infiltration Rate Test' report attached to the response *'which have proved that there isn't adequate soakage on-site'* and also refers to suggestions in the Report that *'permeable paving could be considered along with discharge of roof water to a nearby drain'*. Suggests, if it is acceptable to the Commission and to Leitrim County Council, that either of two options *'would be reasonable actions'* based on the outcomes of their expert reports:
 1. Incorporate permeable driveways and footpaths around the proposed dwelling, with roof-water discharge in isolation going directly to the stream at the main road;
 2. If hardstanding of a concrete finish is utilised, all surface water (including roofs) goes to gullies, and on to the stream at the main road, incorporation of a petrol interceptor at the point of discharge, to ensure that no contaminants are discharged to the stream.

² The Arroo Mountain Special Area of Conservation is located c.1.6km to the south of the site.

- 7.2.3. In the BRE 365 Infiltration Rate Test', the results of the test hole/test data are recorded in Section 4.0 of the report as yielding '*no infiltration rate as per BRE 365 due to not been possible (sic) to determine tp75-25 due to slow soakage on site*'. In Section 1 'Non Technical Summary', due to the aforementioned no infiltration rate, the consultants recommend: '*the investigation of permeable paving for the driveway and discharge of roof water either by soakaway or to nearby drain*'.
- 7.2.4. The contents of the 'Appropriate Assessment Screening Result' document may be summarised as follows:
- The planned discharge point for surface water drainage '*is the watercourse located at IGR G 81710 54774 to the west of the site*'.
 - Identifies potential hydrological connectivity to the Lough Melvin SAC (ROI) and Lough Melvin SAC (NI). Potential impacts are: surface water run-off during the operational phase entering local surface waters and subsequently discharging to the downstream European sites; and the percolation of unrestricted surface water runoff into the underlying groundwater body with potential connectivity to further designated sites during the operational phase.
 - Connection to foul sewer and therefore no potential for significant effects arising from percolation to the ground water body.
 - Potential impacts may arise from surface water run-off and percolation of surface water carrying suspended solids and/or other contaminants from the site to the European sites downstream via surface water and ground water pathways. In the absence of appropriate controls, such effects could result in deterioration of the water quality and habitats of the Oligotrophic to mesotrophic standing waters Qualifying Interests of the Lough Melvin SAC (ROI).
 - Proposes installation of following measures to avoid significant effects on the downstream SAC:
 - ~ an appropriately sized Class 1 interceptor; and
 - ~ a flow break limiting site runoff to Greenfield rates.

7.3. Planning Authority Response

- 7.3.1. The Authority both: (a.) advises that that the surface water proposals submitted with the application '*are considered to be sufficient*' (para. 2); and (b.) also makes two suggestions for alternative arrangements (para. 8).
- 7.3.2. The two suggestions are made in the context of noting: the permeable qualities of the proposed access right of way; the extent of hard standings being considered to be typical of an individual dwelling; and an acceptance that the level of detail submitted with the application with regard to surface water management was '*miminal*'. The first suggestion is that the Commission could (i.) include an additional condition requiring the submission of calculations prepared by a competent professional for the written approval of the Authority to demonstrate that the size of the proposed surface water soakaway is adequate. In the second suggestion, the Authority notes the route of the proposed foul sewer connection and advises that it: '*would accept the merits of the suggestion contained in the Appeal...*', namely the provision of a storm drain to run along the proposed right of way and discharging to the Kinlough River adjacent to the public road.
- 7.3.3. In the third para. of its submission the Authority also '*disputes*' a comment in the Appeal submission that the subject site '*is in the rear garden of (the) family house*' and clarifies that the lands '*adjoin*' the family home. The Authority then refers to the zoned attendant lands of the family home to the north of the home. It advises that these lands: '*were considered low lying and despite not been identified as being at risk of flooding in the Strategic Flood Risk Assessment prepared for the Development Plan, the Authority agreed that a less impactful siting for additional housing for family members would be in the manner now proposed to minimise the impact on the residential amenity of properties in Brooklawns*'. The Authority concludes on this issue by noting that the site: '*immediately adjoins the development envelope of the Key Village of Kinlough and is fully serviced or serviceable*'.
- 7.3.4. Finally, the Authority refers to its investigations into the flooding issue in 2015 and advises of the following conclusions at that time:

- *‘(The) open ditch is a seasonal drain which generally is dry for the summer and only really operates during the wet, winter season.’*
- The Authority *‘was satisfied that the 300mm drainage pipe installed in the rear gardens of the properties was more than sufficient in size to cater for significantly larger rainfall events than those that have occurred in recent years when flooding has been experienced on the properties.’* It reached this determination following an assessment of a worst case scenario where all lands uphill of the properties flow through the pipe, with no allowance for any soakage. Calculations indicated that the 300mm pipe: *‘should have more than sufficient capacity to cater for the rainfall events and would be sufficient to cater for events of up to at least a 1 in 200 year storm.’*
- It was noted in April 2016 (sic) that a mesh was fitted *‘over the upstream intake to the pipe’*. Whilst well intentioned, this would cause a significant reduction in flow into the pipe when clogged with leaves and twigs. Such a loss in capacity would cause the water to flood the upstream lands which could subsequently overflow onto lower-lying neighbouring property. However, the Authority then refers to a video submitted by the Appellants in October 2017 and observes that: *‘The nature of flooding did not originate on the surface; ...the more likely cause ... was from groundwater due to ground saturation levels at that time following prolonged periods of heavy rainfall’*.

7.4. Further Referrals By the Commission

7.4.1. On 1st September 2025, the Commission referred the Applicant’s response to the Appeal to: agents for the Appellants (SJ Carroll & Co. Architects), and the Local Authority. Both addressees replied and their comments may be summarised as follows.

7.4.2. [Agents for the Appellants]:

- Management of surface water originating from development:

~ Refers to, and agrees with, the Applicant's willingness to collect water from the 'roofs etc' and then pipe that water directly to the stream at the main road.

~ Refers to the applicant continuing '*to want to drain driveways etc into the ground via SUDS*' and, in this context, refers to the results of the site permeability tests, '*clearly showing that there is no permeability on the site whatsoever, making any onsite soakage/SUDS arrangements ineffective*'.

~ Notes that the tests were carried out in early August when permeability might be expected to be at its best '*but there is simply no soakage on-site*', and observes that '*it is surely clear that all surface water generated on the site must be piped directly to the stream at the main road*'.

- How surface water originating offsite, but travelling through the site, should also be managed:

~ Refer to the Applicant's arguing that the stream that crosses his site '*is not his responsibility to resolve because it carries water that did not originate on his site*'. Acknowledges that the water in the stream does originate elsewhere and then travels through the subject site. However, it is a normal situation for a local authority to require a developer to carry out works on a site, in addition to the core development, for community benefit in return for being given planning permission – the concept of planning gain.

~ Sets out the rationale of planning gain, and provides examples (Part V requirements for housing developments; setting back of wall or hedge boundary to improve road visibility for all road users).

~ Argue that the '*proposed piping of this stream*' is fundamentally the same in principle. Asks that the Applicant be required to pipe the stream directly to the watercourse beside the main road. '*The proposed diversion will direct that water to the watercourse along the local road L2095 upstream of where it currently enters and will reduce the risk of flooding for the reasons described in their appeal documentation*'.

~ Attach screen grabs of videos made in early hours of 17th September 2025 showing flooding where the 300mm drain '*cannot carry the flood water*'.

- Conclude by requesting that all surface water falling on the site, be it from the building or onto the driveways, and the stream in question, be fully gathered and piped to the watercourse beside the main road. If these measures are unacceptable, planning permission should be refused in accordance with Section 5.24 of the Planning System and Flood Risk Management Guidelines on the basis that flooding issues have not been, or cannot be, addressed successfully where there is the remaining presence of unacceptable flood risk to adjoining properties.
- Also question if it can be acceptable from a health perspective or from a safety perspective to leave an open stream/ditch running close alongside a dwelling house in the manner proposed.

7.4.3. [Leitrim County Council]: Refers the Commission to its previous response. Re-iterates its recommendation to uphold the decision of the Council to grant permission and its contention that any issues relating to the disposal of surface water 'are capable of being addressed by way of condition ... *including the incorporation of a system as proposed in the submission by Mr. Haran*'.

7.5. Observations

7.5.1. None.

8.0 Assessment

8.1. Overview

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

- the principle of development; siting and design; and servicing;
- the flood zone status of the subject site and adjacent lands;

- the alleged existing upstream causation of flooding; and the Appellants' request for diversion of the stream;
- the Applicant's option proposals to discharge to the stream at the public road; and
- the soakaway proposed with original application.

8.2. Principle of Development; Siting and Design; and Proposed Servicing Arrangements

Principle of Development

- 8.2.1. I note the Planning Authority's support for the principle of the development, its siting and design, and proposed servicing arrangements. I also note that the Appellant has no concerns in relation to such issues, save for the surface water drainage issue.
- 8.2.2. In terms of the principle of development, the Development Plan identifies two rural sub-areas for rural housing policy in a manner consistent with the approach set out in the NPF and the Sustainable Rural Housing Guidelines. The subject site lies within the less restrictive 'Other Rural Area' in the Development Plan. For these areas, NPF NPO is to: *'28 facilitate the provision of single housing ... 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.'* The key policy contained in the Development Plan is Policy RUR SET POL 2, which Policy is to accommodate: *'demand from individuals for permanent residential development in Other Rural Areas, subject to normal planning considerations and having regard to the viability of smaller towns and rural settlements.'*
- 8.2.3. Policy RUR SET POL 2 does not include a requirement for applicants to establish a rural housing need in 'Other Rural Areas'. However, it does clarify that demand will be accommodated from individuals for a permanent residential development. A standard condition in accordance with established practice can be attached to a grant of permission to ensure that the dwelling is so occupied as a permanent place of residence by the applicant and/or members of the applicant's immediate family or their heirs.

Siting and Design

- 8.2.4. The proposed dwelling is a modestly-proportioned storey-and-a-half dwelling in a secluded site and I have no concerns in this regards.

Viability of Village

- 8.2.5. Regarding the viability of Kinlough, a study in 2024³ found an overall occupancy rate of 90% and an overall vacancy of 10%. The Study compared this rate to other nearby towns and noted vacancy rates ranging from 24.3% to 34% and concluded that Kinlough's vacancy rate was 2.5 to nearly 3.5 times lower than that of nearby towns. Finally, one of the conclusions in the study was that a strength of the village was: '*Very little dereliction and vacancy*'. I would also note that the southern end of Kinlough has not been the subject of haphazard one-off dwelling sprawl commonly seen outside of many settlements around the country. The site is within an overall family landholding, part of which is within the settlement envelope, and part of which (including the subject site) is not. The site is therefore outside of, but in close proximity to, the settlement envelope. In more practical terms, the village core is located c.500m from the junction to the site and there is a footpath and street lighting between the two, save for a very short distance at the said junction. For these reasons, it is my opinion that the proposed development is generally in compliance with the strategic rural housing policies of both the NPF and the Development Plan.

Services

- 8.2.6. Regarding servicing arrangements other than surface water, I note the positive report of Uisce Eireann in relation to the proposed connection to the public mains sewer and water and I am satisfied that no issues arise in relation to these matters.

8.3. Flood Zone Status of the Subject Site and Adjacent Lands

- 8.3.1. Having regard to the first core objective of the 'Planning System and Flood Risk Management Guidelines' ('the Flood Risk Guidelines') ie. *Avoid inappropriate development in areas at risk of flooding*', I would reiterate my earlier comments at

³ 'Kinlough Town Centre Health Check': Leitrim County Council, Town Centre First and Queen's University Belfast 2024.

para. 5.2.5 wherein I note that the subject site and the adjacent housing estates are outside of flood risk areas Flood Zone A and Flood Zone B as identified in the Strategic Flood Risk Assessment prepared for the Development Plan (refer SFRA Appendix II, p.132). The proposed development is therefore consistent with this element of the Flood Risk Guidelines.

8.4. Alleged Existing Upstream Causation of Flooding; and Appellants' Request For Diversion of Stream

8.4.1. The policy framework for the approach to be followed in the consideration of the development potentially giving rise to flooding outside of the subject site is encapsulated in the following.

- The second core objective of the Flood Risk Guidelines: 'Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off.'
- Development Plan Policy FRM POL 2: 'To ensure that a flood risk assessment is carried out for any development proposal, in accordance with the Planning System and Flood Risk Management (DoEHLG/OPW 2009) and Circular PL2/2014. This assessment shall be appropriate to the scale and nature of risk to the potential development.'

8.4.2. In essence, the Appellants contend that the surface water from the family landholding of the applicant, and within which the subject site is located, already contributes to flooding in the vicinity of where the open drain (into which the Applicant's family landholding drains discharges) enters the 300mm pipe serving the Brooklawns and Manor Grove estates. They are concerned that the proposed development (and the concurrent proposed development) will add to this problem. The issues have not been properly investigated and the proposed soakaway solution is inadequate, it is further contended. The Appellants also contend that a SUDS type solution is not appropriate as the underlying gley soils do not allow for significant soakage. In fact, water flows largely on the surface and is collected in streams and ditches.

- 8.4.3. From the Local Authority's perspective, in their respective reports on the Authority's file the Case Planning Officer and Enforcement Officer are unequivocal in their conclusions that: *'No issues arise from a flooding perspective'*.
- 8.4.4. By way of further context, I would also note the following:
- The poor drainage qualities of the site. On the the EPA's 'catchments.ie' website, the soil is identified as 'Peat' on the National Soils database, and as being 'Poorly Drained' in the 'National Soils Hydrology Map';
 - The topography of the site and the intervening lands, all of which slope downwards from the rear of the site towards the stream at the front/bottom of the overall landholding.
- 8.4.5. At my site inspection, I noted a very modest flow of water in the stream within the family landholding. As well as attending the subject site and family lands during my site inspection, I also visited the location of the flooding to the rear of the Brooklawns and Manor Grove estates as referenced by the Appellants and the Local Authority. During this inspection, I observed that whilst the ground conditions were damp in the vicinity of where the stream discharges into the 300mm pipe, there was little, if any, running water in the stream channel. I also observed that a mesh was placed at the entrance of the 300mm pipe.
- 8.4.6. The expert reports of the Local Authority, both on its own application file and in its first response to this Appeal are unequivocal in their conclusions that the flooding at, and in the vicinity of, the Appellants' property is not caused by the stream that flows through the family lands of the Applicant. Rather, it arises as a consequence of the ground conditions in the vicinity of the Appellants' property. Thus the expert advice of the Authority is that:
- When it investigated the flood event of 2015, it: *'was satisfied that the 300mm drainage pipe installed in the rear gardens of the properties was more than sufficient in size to cater for significantly larger rainfall events than those that have occurred in recent years when flooding has been experienced on the properties.'*; and

- With reference to a video submitted by the Appellants in October 2017: *‘The nature of flooding did not originate on the surface; ...the more likely cause ... was from groundwater due to ground saturation levels at that time following prolonged periods of heavy rainfall’.*

8.4.7. The Authority also advises that flooding in this area could be caused by the placing of a mesh at the entrance of the stream to the pipe as this would cause a significant reduction in flow into the pipe when clogged with leaves and twigs, and that such a loss in capacity would cause the water to flood the upstream lands which could subsequently overflow onto lower-lying neighbouring property.

8.4.8. In their response to the Applicant’s submission, the Agents for the Appellants have provided no data or evidence to counter the above-noted expert conclusions of the Local Authority in relation to the cause of the flooding. The Agents did include screen grabs of videos made in early hours of 17th September 2025 showing flooding where the 300mm drain *‘cannot carry the flood water’*. In response, I would note that the Local Authority technical experts have considered such evidence previously and concluded as summarised at 8.4.6 above. On this basis, I do not accept the Appellants’ concerns that flooding at their property arises as a result of upstream discharges.

8.4.9. The Appellants’ Agents make the case that the Applicant should be required to pipe the stream directly to the watercourse beside the main road for *‘community benefit’* or *‘planning gain’*. In the context of the expert opinions of the Local Authority that the referenced flooding is not caused by the stream that flows through the subject site, the proportionality of such a requirement must be considered. The proposed development is for a very modest house. In my opinion, a requirement to divert the stream for c.125m would be onerous and disproportionate to the scale of the development. For this reason, I do not accept the Agent’s proposal. Rather, I agree with the Applicant’s contention that the imposition of such a requirement would be unreasonable in the context of the catchment of the stream being much wider than the family landholding under consideration in this application.

8.4.10. The Authority's expert reports are also clear in their assessments that the proposed development will not have any impact on the flood issues of concern to the Appellants where they note that:

- the proposed impermeable area (roofs and yard) is considered to be minor in respect of the upstream catchment area of the Appellants' property and likely to have no discernible impact on the existing flooding problem;
- the surface water run-off from the impermeable areas will not be discharged to any open watercourse, instead being disposed of to below ground soak-aways, with the net effect of delaying the time of entry of the impermeable run-off into the drainage system to the rear of the neighbouring properties;
- the garden area for the proposed development will remain as a permeable area with the access road proposed to be compacted gravel: these areas will therefore be permeable surfaced areas where the surface water run-off will remain largely as it is.

8.4.11. For the foregoing reasons, I am unable to support the Appellants' request for the diversion of the stream within the site and crossing the family lands. In any event, I also consider that diversion of the stream would constitute a material deviation from the application as originally submitted in the context of the flooding concerns in the wider area and noting that the stream (Kinlough River) flows close to the dwellings on the western side of the Brooklawns and Manor Grove estates, and the northern side of Manor Grove.

8.5. Applicant's Proposals to Discharge to the Stream at the Public Road

8.5.1. In his response to the Appeal, the Applicant suggests two possible courses of action on foot of the technical reports attached to his submission, both of which would require the discharge of some surface water to the stream adjacent to the public road:

- Incorporate permeable driveways and footpaths around the proposed dwelling, with roof-water discharge in isolation going directly to the stream at the main road;

- If hardstanding of a concrete finish is utilised, all surface water (including roofs) goes to gullies, and on to the stream at the main road, incorporation of a petrol interceptor at the point of discharge, to ensure that no contaminants are discharged to the stream.

8.5.2. The Local Authority made a similar suggestion in its response to the Appeal.

8.5.3. I am unable to support these proposals as such an amendment could be regarded as a material change to the development as proposed in the planning application, in the context of the flooding concerns in the wider area and noting that the stream (Kinlough River) flows close to the dwellings on the western side of the Brooklawns and Manor Grove estates, and the northern side of Manor Grove.

8.6. Soakaway Proposed With Original Application

8.6.1. The Development Plan includes strong support for the soakaway methodology. Indeed, Objective SWM 1 *'require(s)'* the use of Sustainable Urban Drainage Systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks'. Similarly, and specifically with regards to one-off rural housing, Policy SWM 5 provides that surface water *'shall'* 'be disposed of, in its entirety within the curtilage of the development site by way of suitably sized soak holes.

8.6.2. In the Infiltration Rate Test prepared by Coyle Environmental and submitted by the Applicant in his response to the Appeal, it is concluded that the tests yielded no infiltration rates as per BRE 365 due to slow soakage on site. These results reflect data contained on the EPA's catchments.ie website wherein the soil is identified as 'Peat' on the National Soils database, and as being 'Poorly Drained' in the 'National Soils Hydrology Map'. On the basis of the infiltration test results, the Consultants recommend *'permeable paving for the driveway and discharge of roof water either by soakaway or to nearby drain'*. In contrast, in their response to the Applicant's submission, the Agents for the Appellants conclude that the results of the

permeability tests *'clearly show that there is no effective permeability on the site whatsoever – making any onsite soakage/SUDS arrangements ineffective'*.

- 8.6.3. I note the contrasting interpretations by the Applicant's Consultant and the Appellants' Agent of the results of the infiltration tests, but agree with neither.
- 8.6.4. The Applicant's Consultant has simply recommended the discharge of roof water to a soakaway or to nearby drain. The term 'nearby drain' is vague. If it was intended to refer to the stream adjacent to the public road, this matter is addressed at Section 8.5. In terms of the soakaway recommendation, there has been no recognition of the need for further detailed investigations, including in relation to the sizing and design of the soakaway, consequent on the poor results of the Infiltration Tests.
- 8.6.5. Regarding the Appellants' Agent's conclusion that there is no effective permeability on the site whatsoever, poorly draining soils should not automatically preclude the use of soakaways. It may be possible to demonstrate that a site can be successfully managed, particularly where there are generous grounds and where a soakaway can be sufficiently set back from other dwellings and watercourses. Regarding the subject case, in my opinion the Commission does not have such evidence to conclude with any degree of certainty that a suitably-designed soakaway can be deployed without giving rise to any risk of flooding outwith the site.
- 8.6.6. In conclusion, I am unable to support the use of a soakaway as proposed in the original application on foot of the results of the infiltration tests submitted by the Applicant and in the absence of any detailed proposals to mitigate the issues identified in the said tests.

8.7. Other Matters

- 8.7.1. I would comment on two other matter as follows.
- 8.7.2. [Open Ditch]: In their response to the Applicant's submission, the Agents for the Appellants question the acceptability of leaving the open stream/ditch within the application site from a health and safety perspective. In response, I would note that this is a private site outwith, and significantly removed from, any common areas accessible to the public. Otherwise, water features, another example being shallow

ponds, are a common aspect of gardens in the country. Accordingly, I would conclude that this is matter for the Applicant to manage.

- 8.7.3. [Cumulative Effect]: The Appellants also express concern that the cumulative effect of the subject application, the concurrent application and the potential future third application has not been taken into account. In response, I would refer to my foregoing assessment of the subject case, and would conclude that it can reasonably be assumed that the same conclusions will apply to the concurrent case. I do not consider that a potential future third application is a matter for the Commission at this time.

9.0 Water Framework Directive Screening

- 9.1. The surface water bodies identified on the EPA's catchments.ie website are: the Kinlough_010 River system located 124m to the east, 196m to the west and 360m to the north of the subject site; and the Lough Melvin IE_NW_35_160 lake located c.0.96km to the east. The Kinlough River flows in the direction of, and drains into, Lough Melvin.
- 9.2. In terms of ground water, the site is within the Largydonnell IE_NW_G-045 Ground Waterbody.
- 9.3. The main elements of the proposed development are the erection of a modest dwelling, and the construction of a 130m² hardstanding area. Access is to be achieved by means of a c.113m extension of the existing right-of-way serving the family home. The extension to the right of way is to be constructed of self-binding gravel over compacted core. The Local Authority describes this methodology as adhering to the principles of SUDS in minimising the extent of sealed surfaces. Proposals for the right of way extension also include piping of the narrow stream referred to in para. 1.4 with concrete encased reinforced concrete pipe. It is proposed to connect to the public sewer located c.125m to the west of the site on the public road. For further details of the proposed development, please refer to Section 2: 'Proposed Development' above.

- 9.4. The Applicant originally proposed to dispose of surface water via an on-site soakaway. Subsequently, in his response to the Appeal, the Applicant proposed two alternatives to a soakaway, namely either: all generated surface water being discharged to the stream adjacent to the public road (if hardstanding around the house is utilised); or roof water only being discharged to the stream (if permeable driveways and footpaths were incorporated around the proposed dwelling). For the reasons set out at 8.5, only the soakaway option is considered for this Water Framework Directive screening.
- 9.5. No water deterioration concerns were raised in the planning appeal.
- 9.6. I have assessed the proposed erection of a dwelling, and hardstanding area, access road and associated servicing works 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 'Appropriate Assessment Screening Result' and 'Infiltration Rate Test' result submitted with the Applicant's response to the Appeal, I am not satisfied that the development can be eliminated from further assessment. This is based largely on conclusions contained in the aforementioned documents. In the AA Screening Result, pathways with the potential to result in the undernoted significant effects on the qualifying interests of the SAC were identified as:
- ~ 'surface water run-off during the operational phase of the development, entering local surface waters and subsequently discharging to downstream European designated sites; and*
- ~ The percolation of unrestricted surface water run-off into the underlying groundwater body with potential connectivity to further designated sites during the operational phase of this development'.*

In the Report it was concluded that there was a risk of potential surface water run-off and percolation of surface water carrying suspended solids and/or other contaminants from the site via surface water and groundwater pathways.

In the 'Infiltration Rate Test' report, the risks identified in the AA Screening Report were confirmed, to some extent, by the slow soakage identified at the site.

Conclusion: I conclude that, on the basis of the submitted AA Screening Result and Infiltration Rate Test report, it cannot be excluded that the proposed development will not result in a risk of deterioration of surface waters in the locality and relevant ground water either qualitatively or quantitatively or on a temporary or permanent basis.

10.0 AA Screening

- 10.1. I have considered the proposed erection of a dwelling at Cloone, Kinough, Co. Leitrim in light of the requirements of S.177U of the Planning and Development Act 2000 as amended. The subject site is located 0.61km to the south-west of Lough Melvin Special Area of Conservation (Site Code 000428); 1.61km to the north of Arroo Mountain Special Area of Conservation (Site Code 001403); and 2.3km to the north of Sligo/Leitrim Uplands Special Protection Area (Site Code 004188). The proposed development comprises the erection of the aforementioned dwelling, plus a hardstanding area and small area of stone flags. The dwelling is to be serviced by means of: foul effluent disposal to the public sewer; and access by means of an existing right-of-way to be formed of self-binding gravel over compacted core. No nature conservation concerns were raised in the planning appeal.
- 10.1.1. This assessment is made on the basis of the originally proposed soakaway method for the disposal of surface water. The options for diversion of the stream as suggested by the Appellants, and disposal of surface water generated from the site to the roadside stream as suggested by the Applicant and the Local Authority are not considered here for the reasons set out at Sections 8.4 and 8.5 above.
- 10.1.2. My considerations must include the 'Appropriate Assessment Screening Result' report prepared by Avrio Environmental Management and submitted with the Applicant's response to the appeal. Regarding identified pathways from the site to the Lough Melvin SAC, it is advised in the report that the development has the

potential to result in the undernoted '*significant effects on the qualifying interests*' of the SAC:

~ '*surface water run-off during the operational phase of the development, entering local surface waters and subsequently discharging to downstream European designated sites; and*

~ *The percolation of unrestricted surface water run-off into the underlying groundwater body with potential connectivity to further designated sites during the operational phase of this development*'.

- 10.2. Having regard to the conclusions in this expert technical report, I cannot be satisfied that it can be concluded that the proposed development would not be likely to have a significant effect on the qualifying interests of the SAC.

11.0 Recommendation

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

12.0 Reasons and Considerations

- (1) Policy FRM POL 2 of the Leitrim County Development Plan, 2023-2029 seeks: 'To ensure that a flood risk assessment is carried out for any development proposal, in accordance with the Planning System and Flood Risk Management (DoEHLG/OPW 2009) and Circular PL2/2014. This assessment shall be appropriate to the scale and nature of risk to the potential development.' The results of the 'Infiltration Rate Test' report submitted by the Applicant in his response to the Appeal yielded no infiltration rate due to slow soakage at the site. Having regard to these results, and to the absence of any detailed proposals for a design solution consequent on the outcome of the said Infiltration Rate Test, it is considered that an assessment appropriate to the scale and nature of risk to the potential development and off-site has not been provided and thus it has not been adequately

demonstrated that the site can be drained without giving rise to flooding issues. Accordingly, to permit the proposed development would be contrary to the aforementioned policy of the Development Plan. Furthermore, the absence of satisfactory measures for the management of surface water would be contrary to Policy SWM POL 3 of the Leitrim County Development Plan, 2023-2029. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- (2) Having regard to the location of the site and the hydrological connection to the downstream Lough Melvin Special Area of Conservation European site, and to the conclusions of the Appropriate Assessment Screening Result submitted to the Commission on 19th August 2025, it is not possible to exclude the possibility that the proposed development, alone or in combination with adjoining development would result in significant effects on this European Site, in view of the site's conservation objectives. The proposed development would therefore be contrary to objective NH OBJ1 of the Leitrim County Development Plan 2023-2029 and would thereby be contrary to the proper planning and sustainable development of the area.

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



Paul Christy
Planning Inspector

12th November 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	323083-25
Proposed Development Summary	Erection of a storey-and-a-half type dwelling house (117sq.m.), proposed connection to public sewer, and all associated site works.
Development Address	Cloone, Kinlough, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<input type="checkbox"/> No, No further action required.	
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	State the Class here
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 <u>Part 2</u>, 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 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" 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)	<u>Class 10(b), Part 2: Construction of dwelling units</u> Threshold = more than 500 dwelling units. Proposed development is for 1 unit.
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"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Paul Christy

Date: 12th November 2025

PCA

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	323085-25
Proposed Development Summary	Erection of a storey-and-a-half type dwelling house (117sq.m.), proposed connection to public sewer, and all associated site works.
Development Address	Cloone, Kinlough, Co. Leitrim
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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development is for a modest detached storey-and-a-half dwelling with foul effluent to be connected to the public sewer, and storm water to be collected and discharged via an on-site soakaway. It comes forward as a standalone project but there is a concurrent proposal for a similar development on a plot immediately adjacent. It does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in an inland, unzoned and undeveloped rural area, albeit in close proximity to the village of Kinlough. The site is removed from any sites of archaeological importance and is outwith landscapes or coastal areas of identified significance in the County Development Plan. While the site is close to the village of Kinlough, it is not anticipated that there will be any significant impacts on the population of the village due to the relative small scale of the project. Similarly, while Lough Melvin SAC is located 0.61km to the east of the site, the proposed works shall not impact on the conservation objectives of this designated site owing to (a.) the nature of the works: a one-off small scale rural

	dwelling and associated services including connection to the public sewer; and (b.) the distance of the site from the nearest European site and the absence of any connections/pathway between the two.
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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Paul Christy **Date:** 12th November, 2025

