



An
Coimisiún
Pleanála

Inspector's Report

ABP-323085-25

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| Development | Erection of a bungalow type dwelling house (150sq.m.) and domestic garage (51sq.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. | 2560102 |
| Applicant(s) | Gene Haran |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission with Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | 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.160m 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 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/foilage generally obscuring any views to it. In addition, the site 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 north-westerly direction with the highest point in the south-eastern corner being c.5m higher than the lowest point in the north-western corner. 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. It is located towards the centre of the overall family landholding and c.25m to the west of the subject site.

2.0 Proposed Development

- 2.1. The proposed development is for the erection of a dwelling house and domestic

garage. The dwelling design is for a single-storey rectangular bungalow with a floor area of 150m² and a ridge height of 5.9m. The proposed garage is also single-storey with a floor area of 51m² and a proposed ridge height of 3.95m. A hardstanding area with brushed concrete finish of c.49m² is also identified on the submitted site layout plan located generally between, and to the west of, the proposed dwelling and garage.

- 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 must cross the narrow stream referred to at para. 1.4 above. 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 west of the subject dwelling (Local Authority Ref. 2560101) 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. 323083). 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 next to the existing family home dwelling. 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 '*will not be significant*'.

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: 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 8 below.

4.0 Planning History

4.1. Subject site

- 4.1.1. None.

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

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 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.’*

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 Water Framework Directive Screening

- 7.1.1. The surface water bodies identified on the EPA’s catchments.ie website are: the Kinlough_010 River system located 160m to the east, 160m 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.

- 7.1.2. In terms of ground water, the site is within the Largydonnell IE_NW_G-045 Ground Waterbody.
- 7.1.3. The main elements of the proposed development are the erection of a modest dwelling and detached garage, and the construction of a 49m² 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.160m 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.
- 7.1.4. No water deterioration concerns were raised in the planning appeal.
- 7.1.5. I have assessed the proposed erection of a dwelling, detached garage 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 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 reasons for this conclusion are as follows, and notwithstanding the relatively short distance of c.83m between the proposed site/soak away and a local stream downhill of the site, which stream discharges into the Kinlough River via a 300mm underground pipe:
- the relatively small-scale of the proposed works;
 - the proposal to discharge foul effluent to a public system;
 - The minute scale of any possible sedimentary discharge relative to the area of the Largydonnell IE_NW_G-045 Ground Waterbody. Whilst the area of the waterbody is not provided on catchments.ie, the main swathe extends for a

distance of 24km+ (from Mullaghmore, Co. Sligo to Garrison, Co. Fermanagh) and has an average width of c.3.5km.

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

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. 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.

8.1.2. 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.

8.1.3. 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.

8.2. **Applicant's Response**

8.2.1. A submission was received but was deemed by the Commission to be outside of the appropriate period for the making of such submissions.

8.3. **Planning Authority Response**

8.3.1. 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).

8.3.2. 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.

8.3.3. 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'*.

8.3.4. 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*’.

8.4. Observations

8.4.1. None.

9.0 Assessment

9.1. Overview

9.1.1. 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; and
- whether the proposed development will give rise to flooding outwith the subject site.

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

Principle of Development

- 9.2.1. 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.
- 9.2.2. 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.'*
- 9.2.3. 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

- 9.2.4. The proposed dwelling is a modestly-proportioned bungalow in a secluded site and I have no concerns in this regards. Regarding the viability of Kinlough, a study in 2024² found an overall occupancy rate of 90% and an overall vacancy of 10%. The

² 'Kinlough Town Centre Health Check': Leitrim County Council, Town Centre First and Queen's University Belfast 2024.

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

- 9.2.5. 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.

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

- 9.3.1. 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 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.

9.4. Potential To Cause Flooding Outside of Subject Site

Context

9.4.1. 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.'

9.4.2. 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.

9.4.3. 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*'.

9.4.4. 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.

Alleged Existing Upstream Causation of Flooding

- 9.4.5. I would firstly consider the Appellants' fundamental concern that the existing on-site stream gives rise to, or at least contributes to, flooding at, and in the vicinity of, their property, and that the proposed development and concurrent proposed development will only exacerbate this problem.
- 9.4.6. 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 during my site inspection and family lands, 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.
- 9.4.7. The expert reports of the Local Authority, both on its own application file and in its 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 but arises as a consequence of the ground conditions at 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’.*

9.4.8. 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.

9.4.9. In the absence of any data or evidence to counter the expert conclusions of the Local Authority, I do not accept the Appellants’ concerns that flooding at their property arises as a result of upstream discharges.

Potential Impact of Proposed Development

9.4.10. 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.

9.4.11. For these reasons, I am satisfied that the proposed development will not give rise to any downstream flooding issues.

Proposed Soakaway

- 9.4.12. The proposed methodology for the collection of surface water is by means of a collection network around the roofs of the two proposed buildings and the only proposed hardstanding area, and discharge to a proposed soakaway. The Development Plan includes strong support for this 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.
- 9.4.13. In light of the foregoing, I would conclude that the proposed soakaway methodology for the management of surface water is consistent, in principle, with the Development Plan. However, the concerns of the Appellants in relation to the absence of any detailed assessments of the proposed soakaway are acknowledged. Indeed, in its submission to the Appeal (refer para. 8.3.2 above), the Local Authority also acknowledges this shortfall.
- 9.4.14. 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'. However, such conditions should not necessarily preclude the use of soakaway systems, subject to such systems being professionally designed on foot of competent assessments of ground conditions, in compliance with the relevant documents, including BRE Digest 365, CIRIA C522. This would be supported by Development Plan policies SWM 1 and 4.

- 9.4.15. Having regard to the circumstances of this particular site and my observations thereon, I would conclude that there would appear to be ample space within the site to accommodate the required soakaway dimensions, even in poor soakage conditions. Even in a worst case scenario, additional ground within the family landholding might also be used. Such flexibility is 'available' in this case having regard to the fact that the extreme north-west corner of the site is still some c.50m away from the stream adjacent to the Brooklawns Estate; and that there are no other residential properties in the immediate vicinity of the subject site. A suitable condition requiring disposal on site in compliance with the relevant standards would be appropriate in this instance.
- 9.4.16. 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. However, again to provide extra security for all parties, I consider it reasonable to require by condition that the individual calculations for each site should demonstrably have regard to, and factor in, any cumulative considerations for the proposed soakaway of the proposed development of the adjacent unit.
- 9.4.17. In conclusion, I would agree with the concerns of the Appellants over the absence of detailed calculations for the proposed soakaway but am satisfied that the development can be serviced by such a soakaway, subject to the provision of a detailed assessment and appropriate calculations and design for the soakaway. The relevant condition imposed by the Local Authority, Condition No. 8, does not include a requirement for the provision of such details. The recommendation includes an amended condition to address this shortfall.
- 9.4.18. Finally, I would not support the Local Authority's suggestion of discharging surface water via a connection to the Kinlough River to the west of the site. This is because of (i.) the policy preference in the Development Plan for soakaways, and the preliminary demonstration that such a soakaway is achievable at this site; and (ii.)

such an amendment could be regarded as a material change to the development as proposed in the planning application, noting that the 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.

10.0 AA Screening

- 10.1. I have considered the proposed erection of a dwelling and garage at Cloone, Kinlough, 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 and garage, 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; disposal of surface water via a soakaway; 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.
- 10.2. 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 European Site. The reasons for this conclusion are as follows:
- The nature of the works: a one-off small scale rural dwelling and garage and associated services including connection to the public sewer.
 - The distance of the site from the nearest European site and the absence of any connections between the two. Lough Melvin SAC is located 0.61km to the north-east of the subject site. The overall family lands inclusive of the subject site are uphill of, and slope downwards to, a minor stream. The closest part of the subject site is located c.55m from the said stream. There is a connection from the said minor stream to the SAC as follows: the minor stream (c.90m in length); a 300mm pipe that runs between the Brooklawns and Manor Grove estates (c.123m); the Kinlough

River 'section 1' (c.121m) that runs broadly parallel with the Moneen Road; and the Kinlough River 'section 2' that runs along the northern edge of the Manor Grove estate and then ultimately to the SAC (c. 677m). However, having regard to the distance from the closest part of the site to the commencement of the referenced minor stream of 55m or thereby, and to the proposed disposal of effluent to the public sewer and proposed surface water drainage soakaway system, I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on this pathway. Otherwise, I note that the Otter (*Lutra Lutra*) is a Qualifying Interest but also note that the site is significantly removed from the foraging and commuting routes identified in the NPWS's Conservation Series.

11.0 Recommendation

- 11.1. I recommend that permission for the development be granted, subject to conditions for the reasons and considerations as set out below.

12.0 Reasons and Considerations

- 12.1. Having regard to the provisions of the National Planning Framework, First Revision and the Leitrim County Development Plan 2023-2029, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the viability of Kinlough village, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not give rise to flooding outside of the site, would be acceptable in terms of traffic safety and would not have a significant impact on ecology or on European sites in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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| 1. | <p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of April 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 proposed development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: in the interest of clarity.</p> |
| 2. | <p>a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. 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.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant 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.</p> <p>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.</p> <p>Reason: To ensure that the proposed house is used to meet the</p> |

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| | 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. | <p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. The details shall demonstrably have regard to, and factor in, any cumulative considerations for the proposed soakaway of the proposed development of the adjacent unit.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p> |
| 4. | <p>The vehicular access, including the provision of visibility splays, setbacks and roadside drainage, and to allow for the extension of the public footpath to the north of the site shall be amended in full compliance with the requirements of the planning authority for such works and services, details of which shall be agreed in writing with the Authority prior to the commencement of development.</p> <p>Reason: in the interest of traffic safety and to prevent flooding and pollution.</p> |
| 5. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be</p> |

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| | <p>agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 6. | <p>Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and public sewage disposal systems and shall include any specific requirements, if appropriate.</p> <p>Reason: In the interests of public health and to ensure adequate water and sewage disposal facilities.</p> |
| 7. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 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.</p> <p>Reason: in order to safeguard the residential amenities of property in the vicinity.</p> |

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

17th October 2025

Appendix A: Form 1 EIA Pre-Screening

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| Case Reference | 323085-25 |
| Proposed Development Summary | Erection of a bungalow type dwelling house (150m ²) and domestic garage (51m ²), 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. |
| <div style="border: 1px solid black; padding: 5px;"> (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) </div> | <input type="checkbox"/> No, No further action required. |
| 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | State the Class here |
| <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, | |

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| 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 | |
| X 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 X | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: Paul Christy

Date: 17th October 2025

Appendix B: Form 2 - EIA Preliminary Examination

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| Case Reference | 323085-25 |
| Proposed Development Summary | Erection of a bungalow type dwelling house (150sq.m.) and domestic garage (51sq.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 bungalow and detached garage 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 | 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 |

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| significance). | (a.) the nature of the works: a one-off small scale rural dwelling and garage 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:** 17th October, 2025