Inspector's Report
PL-500315-SO-25

Development	18 houses and 16 apartments with associated site works. A Natura Impact Statement (NIS) has been submitted with this application.
Location	Bellaghy , Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	2460366
Applicant(s)	RCEH Trust
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Brian O'Connell
Observer(s)	None
Date of Site Inspection	**30th January 2026**
Inspector	Frank O'Donnell

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

1.1. The subject appeal site is located on backlands to the rear of Main Street, Bellaghy, Co. Sligo on the northern side of the Sligo County boundary with County Mayo and approximately 270 metres to the north of the centre of Charlestown. The site has a stated area of 1.8 hectares and comprises an existing pasture field. The site is positioned to the immediate north of the River Sargirra (Charlestown Stream _010) and to the immediate south of Knoxville Manor housing development. There is an existing Local Authority Wastewater Treatment Plant (WWTP) located to the immediate west, the access road to which is positioned along the western side of the northern site boundary. A low voltage overhead power line traverses the centre of the site from east to west. The site falls in a general north to south direction. There is an existing main site drainage channel located in the centre of the site which flows south towards Charlestown Stream_010. Significant areas of the site had surface flooding at the time of my inspection and there were significant patches of reed vegetation present also, indicative of poor drainage characteristics.

1.2. The proposed development is adjacent to the River Moy SAC (Site Code 002298).

1.3. A wayleave is indicated in yellow on the submitted proposed Site Location Map (Drg. Ref. No. 3000) along the western site boundary and traversing the southern part of the site from west to south east.

1.4. Part of the southern extents of the subject appeal site, as defined by red line site boundary shown on the proposed site layout drawings, is located within Flood Zone A and Flood Zone B, as shown on the Bellaghy Objectives Map which forms part of Volume 4 – Village Plans of the Sligo County Development Plan, 2024 to 2030.

1.5. The site is part zoned RV (Rural Village) in the Bellaghy Village Plan which forms part of the Sligo County Development Plan, 2024 to 2030. The balance of the subject appeal site to the south is zoned Open Space (OS– Open Space and Recreational Amenities).

2.0 Proposed Development

2.1. The proposed development, as initially presented to the Local Authority, comprised a total of **34** no. dwellings, as follows:

- 18 no. dwellings comprising:
    - 8 no. 2 Storey, 4 Bedroom Semi-Detached Dwellings comprising:
        - 2 no. House Type A, 2 no. House Type A1, 1 no. Type A(H), 1 no. Type A1(H), 1 no. Type C and 1 no. Type C1. (Floor Areas ranging from 113 sqm to 133 sqm);
    - 4 no. 2 Storey, House Type B, 3 Bedroom Semi-Detached Dwellings (Floor areas of 102 sqm each)
    - 3 no. 2 Storey, House Type B, 3 Bedroom Terrace Dwellings (Floor Area of 102 sqm each)
    - 3 no. 1 Storey, House Type D, 2 Bedroom Bungalow Dwellings (Floor Area of 87 sqm each)
- 16 no. Duplex and Simplex Units comprising
    - 6 no. Unit Type I, 3 Bedroom Duplex (Floor Area of 119 sqm each)
    - 6 no. Unit Type F, 2 Bedroom Duplex (Floor Area of 79 sqm each)
    - 1 no. Unit Type E, 1 Bedroom Simplex (Floor Area of 52 sqm)
    - 1 no. Unit Type G, 1 Bedroom Simplex (Floor Area of 54 sqm)
    - 1 no. Unit Type H, 2 Bedroom Simplex (Floor Area of 98 sqm)
    - 1 no. Unit Type J, 2 Bedroom Duplex (Floor Area of 102 sqm)
- A new vehicular and pedestrian access from the adjoining Knoxville Manor residential estate to the immediate North. A new pedestrian access from the Main Street to the East. 34 no. Car Parking Spaces for the proposed Houses (30 no. on curtilage and 4 no. grouped). 118 no. Bicycle Parking Spaces (provided in a mix of internal and external spaces) both in the public and private domain). Public Open Space (16.8%), Private Open Space, Landscaping, Public Lighting, Services. Provision of an ESB Substation. All ancillary and associated site and development works.

2.2. The application is accompanied by supporting documentation and assessments including:

- Appropriate Assessment Screening Statement

- A Natura Impact Statement (NIS)
- Ecological Impact Assessment Report
- Planning and Design Statement
- Site Specific Flood Risk Assessment
- Preliminary Construction and Environmental Management Plan (CEMP)
- Public Light Report

2.3. In Response to the Request for Further Information, the proposed development was amended as follows:

- Total of **32** no. Residential Units comprising

  Semi Detached Houses

- 4 no. 4 Bedroom Semi Detached (121 sqm),
- 4 no. 3 Bedroom Semi Detached (102 sqm),

  Terrace Houses

- 6 no. 3 Bedroom (102 sqm)
- 2 no. 3 Bedroom (End of Terrace) (102 sqm),
- 3 no. 2 Bedroom (84 sqm) (84 sqm),

  Simplex Units

- 4 no. 1 Bedroom
- 8 no. 2 Bedroom

2.4. The Revised proposals provide the following Unit Mix:

- 6 no. 1 Bedroom (19%), 11 no. 2 Bedroom (34%), 11 no. 3 Bedroom (34%), 4 no. 4 Bedroom (13%).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Local Authority issued a Request for FURTHER INFORMATION on 6th December 2024 on 12 no. main points, which can be summarised as follows:

i) Justification for the proposed Design, Mass and Scale of the proposals, which include 3 storey Duplex units.

ii) A Revised Design Statement as per the requirements of Table 33.1 of the Development Plan.

iii) The applicant has shown a mix of house types which is contrary to Policy P-UHOU-4 of the County Development Plan which sets out the range of house types and sizes which generally apply given the current trend towards smaller dwellings. The applicant shall submit proposals to address this issue.

iv) Revised proposals for site a boundary plan, a Landscaping and Open Space Plan in accordance with the Section 33.3.7 Qualitative and Quantitative of the Development Plan and a Landscape Design Rationale Report/ Retention of Hedgerows.

v) The Applicant shall submit a taking in charge map.

vi) Sufficient legal interest over the entire landholding. There might be a right of way within the site. The applicant shall submit a letter of consent.

vii) Proposals demonstrating a site-specific biodiversity net gain (BNG) as required on sites over 0.5 hectares and over, in accordance with Policy P-BD of the County Development Plan.

viii) Revised Road Design Layout proposals, including for turning heads.

ix) Revised proposals for Surface Water infrastructure including the revised location for same on public open spaces/ roads.

x) Revised proposals for Surface Water infrastructure in compliance with Sustainable Urban Drainage Systems (SuDs) Manual – Ciria C753.

xi) Proposals for pollution control systems including hydrocarbon and silt control measures.

xii) Revised proposals for Soakway design and locations.

3.1.2. The Local Authority issued a Notification of Decision to GRANT permission on 29th October 2025 subject to 19 no. conditions.

- Condition no. 1 relates to the plans and documents received on 16th October 2024, as amended by details received on 25th August 2025.
- Condition no. 2 is a standard condition relating to the full implementation of the mitigation measures as outlined in the Natura Impact Statement.
- Condition no. 3 is a standard condition relating to the landscaping and boundary treatment plan received on 25th August 2025.
- Condition no. 4 is a standard condition which relates to public lighting, footpaths, road construction details and specifications, provision of dropped kerbing and tactile paving and details in relation to the proposed turning heads on site.
- Condition no. 5 relates to a Stage 3 (Road Safety) Audit.
- Condition no. 9 is a standard condition in relation to the discharge of domestic effluent and grey water to the Uisce Éireann Sewerage Network.
- Condition no. 10 is a standard condition relating to Uisce Eireann wastewater and water supply service connections, compliance with Uisce Eireann's Standard Details and Codes of Practice, the control of any building over Uisce Eireann assets and the requirement to obtain a Confirmation of Feasibility (COF) where it is proposed to build over or divert Uisce Eireann assets.
- Condition no. 11 is a standard condition relating to the full implementation of the measures as outlined in the Construction and Environmental Plan.
- Condition no. 12 is a standard waste management and environmental protection condition.
- Condition no. 13 relates to the provision of a potable water supply.

- Condition no. 14 deals with the installation and management of a Class 1 type oil interceptor.
- Condition no. 15 is a standard condition relating to the control, management and disposal of construction waste.
- Condition no. 16 is a standard Section 97 agreement (Social and Affordable Housing).
- Condition no. 17 is a standard prior to commencement condition relating to a Section 47 agreement which restricts all houses permitted to first occupancy by individual purchasers, i.e. those not being a corporate entity, and/ or by those eligible for the occupation of social and/ or affordable housing, including cost rental housing.
- Condition no. 18 is a standard prior to commencement bond condition for a cash deposit in the sum of €185,600.
- Condition no. 19 is a standard development contribution condition for €54,684 in total.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The **Local Authority Planner** considered the proposed development overall is in keeping with the developments in the area, is in keeping with the provisions of the County Development Plan and is acceptable to the Planning Authority. The Local Authority Planner further considered, having regard to
  - the provisions of the Sligo County Development Plan 2024 to 2030,
  - the nature of the site, the pattern of development in the area and the receiving landscape,
  - the details and documents submitted with the application,
  - the EU Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora,

- the EU Environmental Impact Assessment Directive 2014/52/EU and other preceding EIA Directives,
- the Sligo County Council reports prepared in relation to the proposed development
- the submissions received,

that subject to compliance with 19 no. conditions, the proposed development would not be prejudicial to public health, would not have an adverse impact on the Natura 2000 network, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- The **Area Engineer** recommended that Further Information be sought on a total of 12 no. main points which can be summarised as follows:
    - Stormwater System Redesign,
    - Retention of existing open drain/ pipe within the public open space and not on private lands,
    - Extension of proposed stormwater network to the proposed junction to the development and extended to serve the proposed pedestrian linkage to L89142-0/ Main Street, Bellaghy,
    - The Junction layout is not acceptable and requires redesign.
    - The proposed pedestrian access to site from L80143-0 is not acceptable. Consideration to be made for a continuous footpath at junction to treatment plant and footpath provided on eastern site of Knoxville Manor east to terminate at Commercial Centre.
    - Proposed pedestrian linkage to Main St to be reviewed especially the interaction of pedestrian with vehicle movement from unit 31. Proposal should also that into consideration into the public road accessing Main St to include bollards / stormwater system / signage etc.
    - Additional information re road marking / signage / the provision of additional speed reduction measure to be provided.

- The provision of turning heads at end of access roads to be provided to allow turning of waste disposal vehicles / delivery vehicles etc.
- Hydrocarbon separator to be located abutting hardstand / accessible by road to allow for future maintenance works.
- Other Matters:
  - Proposals for EV charge points. All public lights to be LED in nature. The proposed Footpath construction details to be clarified.

- The **Sligo Road Design Office** raised no objection to the proposed development in relation to the Sligo Greenway – Collooney to Bellaghy project.
- The **Assistant Chief Fire Officer** raised no objection to the proposed development subject to 1 no. standard condition requiring a Fire Safety Certificate.
- The **Environment Department** raised no objection to the proposed development subject to 14 no. relatively standard environmental conditions.
- **Surface Water Drainage** as per the Report dated 26th November 2024 recommend that 4 no. points of Further Information be sought which can be summarised as follows:

  i) A redesign of the proposed Surface Water System to acceptable standards.

  ii) A SuDs compliant Surface Drainage System including calculations, proposed attenuation systems, allowance in the design for a 100 year return period plus an additional 20% for climate change and revised surface water layout plans, longitudinal sections and proposed gully locations.

  iii) Details of proposed pollution control systems including hydrocarbons control and silt control measures.

  iv) Revised soakway designs in compliance with Soakaway Design Digest 365 and locations for same.

- The **Housing Department** raise no objection to the proposed development and state that a Part V Agreement has been reached for 6 no. units and that no agreement has been reached on costs.

3.3. **Prescribed Bodies**

- **Uisce Eireann:** No Objection in Principle subject to 1 no. standard condition.
- **Department of Housing, Local Government and Heritage:**
    - No objection is raised subject to 6 no. standard pre-development testing Archaeological conditions

      and

    - No objection is raised subject to 3 no. Nature Conservation recommendations in relation to:
        - The Mitigation measures in the Natura Impact Statement (NIS) conditioned in any grant of planning.
        - Ecological Impact Assessment and Biodiversity enhancement
        - Lighting Plan to ensure minimisation of light pollution.

3.4. **Third Party Observations**

3.4.1. A total of 7 no. Third Party Submissions were received by the Local Authority from the following:

- Brian O'Connell (X 2), Cathey Davey, Padraic Kennedy, Charlestown Athletic Football Club (c/o Patrick McDonnell), multiple Bellaghy residents and Eoin Sheeran.

3.4.2. The 7 no. submissions are mainly from local residents, residents in the wider community and local sports group and a local business. Issues raised are similar to those referred to in the Assessments of the Local Authority Planners and local authority decision. The issues also include the issue of a poor outlook for the Apartments to the existing Wastewater Treatment Plant (WWTP), impact on the future development potential/ future upgrade on the WWTP, development proposed on lands zoned Open Space, the absence of Childcare and Retail as part of the

development proposals, the ad-hoc/ piecemeal nature of the proposed development, the undesirable precedent which will be created for similar future residential developments in this type of setting, the inappropriate Duplex Designs and future management of same, a lack of information in relation to Energy Sustainability, confirmation of compliance with the Apartment Guidelines, landownership dispute, nature of proposed Pedestrian Access, availability of adjacent lands for development and the validity of the planning application regarding the timing of the Response to Further Information.

3.4.3. Issues raised also include anticipated flood impacts associated with the proposed development and, in particular, the location of a proposed bio swale, hydrocarbon separator/s and banking within the flood affected area and the associated potential ecological and environmental impacts arising, including impacts on the River Moy SAC, road design layout, overlooking and the timing of the amended plans submission.

4.0 Planning History

4.1. Planning History on the subject appeal site

- **06/1022 (Appeal Ref. No. 224281):** Permission for 39 no. dwellings. Permission was GRANTED subject to 29 no. conditions.
- **06/593:** Permission for 44 no. dwellings. Application was WITHDRAWN.

4.2. Planning History on the adjacent site to the immediate West

- **13/365:** Permission GRANTED for upgrades to upgrade of the existing wastewater treatment plant (WWTP). A Natura Impact Statement has been submitted with this application.

  Applicant: Mayo County Council.

4.3. Planning History on the adjacent site to the immediate Northwest

- **26/60080:** Permission for the construction of 18 no. dwelling units. Permission was GRANTED on 25th May 2026 subject to 19 no. conditions.

4.4. Planning History on the adjacent site to the immediate North

- **00/718:** Permission GRANTED for 45 houses subject to 19 no. conditions.

5.0 Policy Context

5.1. Development Plan

- ***Sligo County Development Plan, 2024 to 2030 (including Variation no. 1 made on 11th May 2026)***

5.1.1. Variation no. 1 which was adopted on 11th May 2026 consists of 4 no. main parts. Parts I, II and III give effect to the National Planning Framework (NPF) Implementation: Housing Growth Requirements Guidelines for Planning Authorities (HGR Guidelines) by updating the housing target and amending the Strategic Land Reserve (SLR) policies of the Development Plan. Part IV addresses the zoning of two sites for which rezoning determinations have been made by Sligo County Council after public consultation on the Draft Residential Zoned Land Tax (RZLT) Map 2026. The 2 no. sites which have been rezoned are located in Ballysadare and Collooney respectively and do not relate to the subject appeal site.

5.1.2. I have reviewed the Sligo County Development Plan, 2024 to 2030, and I consider the following Chapters, Sections, Polices and Objectives of Volume 1 of the Plan to be relevant to the assessment of this appeal.

5.1.3. Chapter 3 (Core Strategy). Bellaghy is listed in Table 3.1 of the Settlement Strategy summary as a Serviced Village sustaining rural communities, the strategy for which is stated to be to *'Support the retention of local services and the limited provision of residential development to satisfy local needs*.' A housing allocation of 580 units for all other Villages and Rural Areas is identified in Table 3.2 (Core Strategy) and this includes the subject village of Bellaghy.

5.1.4. Chapter 5 (Settlement Strategy) in Section 5.1 provides the Settlement Structure and Hierarchy where Bellaghy is one of a number of identified Service Villages Sustaining Rural Communities.

5.1.5. Chapter 6 (Housing Delivery Strategy).

5.1.6. Chapter 10 (Urban Development). Section 10.4 relates to Compact Growth and promotes this based on the principles of Consolidation, Sequential Development, Masterplanning, Connectivity and Strong Urban Edge. Under Section 10.4.1, the development of Infill Developments, Brownfield Sites and Backland Sites are

promoted. Sequential Development, i.e. outwards from the Town Centre is promoted in Section 10.4.2.

5.1.7. Section 10.4.3 discusses the Masterplanning of Urban Extensions and states, inter alia, that *'Poorly connected, cul-de-sac housing estates, built on relatively small sites in single ownership, are not appropriate forms of urban development.'* The expansion of towns should be *'on the basis of masterplans for defined larger areas.'*

5.1.8. Section 10.4.4 is concerned with Connectivity and includes the following Compact Growth Policies:

- ***P-CG-1*** *Ensure that the expansion of towns or villages takes place in accordance with the principle of sequential development, from the settlement core outwards, on infill sites, backland sites and designated Settlement Consolidation Sites.*
- ***P-CG-2*** *In town and village centres, promote high-quality infill and backland development that consolidates and regenerates the existing urban core of the settlement and provides a diverse range of uses.*
- ***P-CG-3*** *Require that backland development is based on masterplans to be prepared in consultation with the Planning Authority. Piecemeal development of backlands within town and villages will be discouraged.*
- ***P-CG-6*** *Ensure that large areas of greenfield zoned land in towns and villages are developed on the basis of masterplans, to be prepared by or in consultation with the Planning Authority, in order to ensure appropriate integration of land-use and transport. Such masterplans shall be subject to public consultation and, where considered appropriate based on the extent of land involved, incorporated into the relevant statutory plan (development plan or local area plan).*

5.1.9. Section 10.5.3 relates to Land Use Zoning Objectives and includes the following

- ***RV – rural village uses***

  Objective: *To protect the character of the village, ensuring that local housing needs are appropriately addressed, physical and community infrastructure is maintained and improved, and local services can continue to be provided.*

This objective applies to the smaller Villages Sustaining Rural Communities, which have not been allocated a housing target under the Core Strategy. Areas previously zoned for residential, mixed and commercial uses are subject to the more general and flexible RV zoning objective. This type of objective is recommended in the Development Plan Guidelines (2022).

- ***OS – open space*** *(public, private, natural, semi-natural, sports fields, green corridors)*

  Objective:

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

  b. Require the retention and maintenance of private green areas that have traditionally been open for public enjoyment, i.e. parks and gardens located on existing or former institutional lands, as well as gardens that make a significant contribution to the streetscape or character of the locality.

  c. Require the protection and enhancement of natural/semi-natural green areas such as wetlands, forests, water-edge habitats, riparian zones and ensure that any development that may be permitted in such areas does not damage its surroundings.

  d. Support the development of playing fields, tennis courts, golf courses, bowling greens etc at appropriate locations. These facilities can be provided either by the County Council or by other organisations such as sports clubs and associations.

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

This objective combines the elements of previous CDP objectives "OS" (Open Space) and "SPF" (Sports and Playing Fields). ***Please note the SFRA-related limitations attached to the Zoning Matrix.***

5.1.10. Section 10.5.4 relates to Land-use Zoning Matrix where both Residential Apartments and Residential Houses are uses which are identified as being 'normally permitted' on lands zoned RV Rural Village.

5.1.11. Chapter 24 relates to Natural Heritage and includes the following Biodiversity Policies which are considered to be of relevance:

- ***P-BD-7:*** *Require development proposals on sites of 0.5 ha and over to retain existing high quality ecological features and demonstrate a site-specific biodiversity net gain (BNG), indicating how the approach to development will leave the natural environment in a measurably better state that it was beforehand. The same approach will be encouraged, although not required, on sites under 0.5 ha.*

  The biodiversity net gain (BNG) shall consist of the enhancement and restoration of existing habitats or the creation of new areas for wildlife, where the biodiversity value of the site is low or non-existent (e.g. certain brownfield sites).

5.1.12. Chapter 26 (Residential Development). Section 26.1 relates to Urban Housing where under Section 26.1.1 (Housing Types and Sizes) it is stated, inter alia, that *'the Council will require prospective developers to incorporate a mix of plot sizes, unit sizes and types, such as one/two-bedroom dwellings, three-bedroom and four-bedroom houses, single-storey and two-storey etc., to accommodate the diverse needs, preferences and purchasing power of future residents.'*

5.1.13. Section 26.1.2 relates to Residential Density where, in all other zoned settlements, excluding Sligo Town and the larger settlements of Ballymote, Enniscrone, Tobercurry, Ballysadare, Collooney and Strandhill, no residential density range is recommended and *'the density of development at such locations should respond in a positive way to the established context.'* It is further stated that *'the density ranges set out in Section 3.3 of the SRDCS Guidelines should be refined, based on consideration of centrality, and accessibly to services and public transport, settlement character, amenity and the natural environment.'* Sections 3.3 and 3.4 of

the Sustainable Residential Development and Compact Settlement Guidelines, 2024 are noted as being applicable to the calculation of residential density.

5.1.14. Chapter 30 (Water Infrastructure).

5.1.15. Section 30.3 relates to Surface Water Management and includes the following Surface Water Drainage Policies which are considered to be of relevance:

- ***P-SWD-1*** *Require all new developments, redevelopment of brownfield sites and extensions to existing developments (where appropriate) to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems, where feasible.*

  Such developments shall connect to existing surface water drainage systems (where available) which, in the opinion of the Planning Authority, have adequate capacity to accommodate additional loading (refer also to Section 3.5 of the accompanying SFRA, "Sustainable Urban Drainage Systems and Surface Water Guidance and Strategy").

- ***P-SWD-2*** *Require that planning applications are accompanied by a comprehensive SuDS assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.*

  In the case of one-off rural dwellings or extensions to dwellings without access to existing surface water drainage systems, surface water shall be disposed of, in its entirety, within the curtilage of the development by way of suitably sized soakaways.

  In all instances the use of nature-based solutions is preferred to engineering solutions. Developers will be required to apply the provisions of 'Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas' (water-sensitive urban design) Best Practice Interim Guidance Document (DHLGH, 2001) and any subsequent review.

- ***P-SWD-5*** *Prohibit the alteration of natural and existing drainage systems, in order to preserve and protect historic drainage channels/paths and flow characteristics of existing catchments. In the case of development works, require the provision of acceptable mitigation measures in order to minimise*

the risk of flooding and negative impacts on water quality (including run-off, erosion and sedimentation).

- ***P-SWD-6*** *Protect the drainage characteristics of river channels and streams that can facilitate surface water drainage, by ensuring that development is kept at an appropriate distance from stream banks and/or adequate protection measures are put in place.*

5.1.16. Chapter 32 (Flood Risk). The following Floor Risk Management Policies are considered to be of relevance:

- ***P-FRM-1*** *Protect and enhance the County's floodplains, wetlands and coastal areas subject to flooding and associated sand dunes, beach sand or gravel. These areas represent a vital green infrastructure, which provides space for storage and conveyance of floodwater, enabling flood risk to be more effectively managed and reducing the need to provide flood defences in the future.*
- ***P-FRM-2*** *Zone land for development in areas with a high or moderate risk of flooding only where it can be clearly demonstrated, on a solid evidence base, that the zoning satisfies the Justification Test set out in chapter 4 of the Planning System and Flood Risk Management Guidelines.*
- ***P-FRM-3*** *Contribute towards the general maintenance of a 20-metre-wide flood protection zone around lakes and along both sides of all rivers, and a 100 metre-wide flood protection zone from soft shorelines. Development proposals will be required to maintain these flood protection zones generally free from development.*

  Exceptions may be considered for strategic road projects, water services infrastructure, riverbank enhancement works, bridge and road repair works, in the case of brownfield sites, development on lands zoned subject to policy P-FRM-2 and in cases where the maintenance of the flood protection zone is not practically achievable. Such cases will be assessed on an individual basis and subject to compliance with the Habitats and Birds Directives.
- ***P-FRM-4*** *Ensure that new developments proposed in Arterial Drainage Schemes and Drainage Districts preserve access for maintenance and do not*

result in a significant negative impact on the integrity, function and management of these areas.

Where developments are proposed in the vicinity of Flood Relief Schemes, drainage channels and rivers for which the OPW is responsible, the Planning Authority will consult with the OPW and, where appropriate, will require the retention of a strip on either side of such channels, to facilitate maintenance access thereto.

- *P-FRM-5 Restrict development in areas at elevated risk of flooding unless:*
    - *it is demonstrated that there are wider sustainability grounds for appropriate development;*
    - *the flood risk can be managed to an acceptable level without increasing flood risk elsewhere;*
    - *the overall flood risk is reduced, where possible.*

  Developments considered necessary in order to meet the objectives of this Plan, or required on wider sustainability grounds, will be subject to the development management justification test outlined in chapter 5 of the Planning System and Flood Risk Management Guidelines.

  Measures such as flood compensation storage works, or new hard-engineered flood defences alone, will not be acceptable as justification for development in flood risk areas. Such measures will be subject to compliance with the Habitats Directive and will only be considered as part of a proposal if the development is warranted by the development management justification test set out in the Flood Risk Management Guidelines.

- ***P-FRM-6** Require development proposals, where appropriate, to be accompanied by **a detailed flood risk assessment** in accordance with the provisions of the DoEHLG and OPW's Planning System and Flood Risk Management Guidelines for Planning Authorities and to address flood risk management in the detailed design of development, as set out in Appendix B of the Guidelines.*

  The following provisions shall apply:

A. *Extensions of existing uses or minor development within flood risk areas may be permitted, provided that they:*

− do not obstruct important flow paths;

− do not introduce a number of people into flood risk areas;

− do not entail the storage of hazardous substances;

− do not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities;

− do not increase the risk of flooding elsewhere.

B. *Applications for development within Flood Zones A or B and on lands subject to the mid-range future scenario floods extents, as published by the Office of Public Works, shall be subject to* ***site-specific flood risk assessment*** *and shall provide details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events (for more detail refer to* ***Chapter 33 "Development Management Standards" subsection 33.2.6 "Flood risk assessment").***

Site-specific flood risk assessments shall consider climate change impacts and adaptation measures, shall apply the precautionary approach recommended in the Guidelines, and shall be informed by the advice on the expected impacts of climate change and the allowances to be provided for future flood risk management (refer to the OPW's 2019 Flood Risk Management Climate Change Sectoral Adaptation Plan and the guidance on potential future scenarios contained therein).

C. *Where a 'Justification Test' applies, it must be demonstrated to the satisfaction of the Planning Authority that the flood risk can be adequately managed, and that the use and the development of the lands will not cause unacceptable impacts elsewhere.*

D. *In Flood Zone C, where the probability of flooding is low (less than 0.1%), site-specific flood risk assessment may be required, and the developers should satisfy themselves that the probability of flooding is appropriate to the development being proposed.*

Prospective applicants shall consult the SFRA datasets accompanying this Development Plan and the most up-to-date Catchment Flood Risk Assessment and Management (CFRAM) Programme climate scenario mapping.

Applications for development on sites identified as 'benefitting lands' may be prone to flooding, and site-specific flood risk assessments may be required in these areas.

E. *Groundwater and pluvial flood risks shall be considered by any site-specific flood risk assessment undertaken at project level, in compliance with the Planning Systems and Flood Risk Management Guidelines (DEHLG, 2009).*

Note: For the avoidance of doubt, the OPW's Preliminary Flood Risk Assessment indicative pluvial maps (2012) are NOT considered to be reliable for assessing pluvial risk.

- ***P-FRM-7*** *Support and facilitate the implementation of CFRAM Flood Risk Management Plans and support the OPW in the development and implementation of sustainable flood risk management actions, including the delivery of Flood Relief Schemes.*
- ***P-FRM-8*** *Protect the integrity of any formal flood risk management infrastructure, thereby ensuring that any new development does not negatively impact any existing defence infrastructure or compromise any proposed new defence infrastructure.*
- ***P-FRM-9*** *Consider, as appropriate any new and/or emerging data, including, when available, any relevant information contained in the CFRAM Flood Risk Management Plans.*

5.1.17. Chapter 33 (Development Management Standards)

5.2. Guidelines

- Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2023
- Sustainable Residential Development and Compact Settlement Guidelines, 2024
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, November 2009 (Revision Note 2010)
- Design Manual for Urban Roads and Streets, 2019
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planner Authorities, 2009
- Quality Housing for Sustainable Communities, 2007
- EPA, Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999.

5.3. **Natural Heritage Designations**

5.3.1. The site is an urban greenfield site. The site is adjacent to the River Moy SAC (Site Code: 002298) which forms part of the Natura 2000 network. The nearest other Natura 2000 sites are as follows:

- Cloonakillina Lough SAC (Site code:001899) located c. 11.45 km to the Northeast.
- Doocastle Turlough SAC (Site Code: 000492) located c. 11.57 km to the Northeast.
- Urlaur Lakes SAC (Site Code: 001571) located c. 11.79 km to the South.
- Turloughmore (Sligo) SAC (Site Code: 000637) located c. 12.36 km to the Northeast.
- Lough Nabrickkeagh Bog SAC (Site Code: 000634) located c. 12.96 km to the Northwest.

- Flughany Bog SAC (Site Code: 000497) located c. 13.08 km to the Northeast.
- Ox Mountain Bogs SAC (Site Code: 002006) located c. 13.12 km to the North.
- Lough Hoe Bog SAC (Site Code: 000633) located c. 13.67 km to the Northwest.
- Derrinea Bog SAC (Site Code: 000604) located c. 14.75 km to the Southeast.

5.4. EIA Screening

5.4.1. Please see the Form 1 - EIA Pre-Screening attached as Appendix 1 of this Report where it has been determined that an EIA Screening Determination (Form 3) is required on the basis of Schedule 7A information provided by the Applicant in the EIA Screening Report.

5.4.2. Please see the EIA Screening Determination Form (Form 3) attached as Appendix 2 to this Report which provides the following Conclusion:

Having regard to: -

1. the criteria set out in Schedule 7, in particular

   (a) the limited nature and scale of the proposed substation development, within and adjacent to an established substation site,

   (b) the absence of any significant environmental sensitivity in the vicinity,

2. the results of other relevant assessments of the effects on the environment submitted by the applicant including

   - the Appropriate Assessment Screening Report (AASR);
   - the Natura Impact Statement (NIS) and findings of the Local Authority that having regard to the information provided with the application including the NIS, it is reasonable to conclude that the proposed development would not have significant effects, either individually or cumulatively, affecting the qualifying interests or conservation objectives of the Natura 2000 sites;
   - the Appropriate Assessment (Natura Impact Report) of the Sligo County Development Plan, 2024 to 2030;
   - the Environmental Impact Assessment (EIA) Screening Report,

- the findings of the Local Authority that having regard to the nature and scale of the proposed development; the nature of the receiving environment; and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required;
- the Strategic Environmental Assessment (SEA) of the Sligo County Development Plan, 2024 to 2030.

3. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified to be provided in the Preliminary Construction and Environmental Management Plan, the Site Specific Flood Risk Assessment, the Ecological Impact Assessment Report, the Landscape Plan and the Biodiversity Net Gain Report.

I consider that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The decision of the Local Planning Authority is the subject of 1 no. Third Party Appeal, as follows:

- Brian O'Connell, BEng (Hons) CEng MIEI

6.1.2. The main Grounds of Appeal can be summarised as follows:

- Flooding and Flood Risk Assessment
  - The Appellant refers to a Flood Event in November 2024 where the lands to the north of Charlestown, the adjacent soccer pitch to the south and the subject property flooded.

- There is no reference in the Local Authority Planners Report as to how the Appellants submission was considered or addressed.
- It is the Professional Opinion of the Appellant, as a Chartered Engineer with extensive experience of Flood Modelling, that the submitted Flood Study has not considered the full flood impact of the proposed development across the site and is not of sufficient detail. The Applicants' Flood Study has relied upon the CFRAMS flood study which was carried out at a catchment level using laser survey and that this lack sufficient site specific detail. A site specific flood risk assessment which is based on topographical survey data and including a site specific hydraulic and hydrological assessment should have been submitted.

- Ecological Assessment
  - The Applicants' Ecological Assessment is not sufficient for the proposed development. Part of the site is within the River Moy SAC. The Applicants Natura Impact Statement (NIS) is inadequate and does not fully evaluate the impact of the proposed development.
- Traffic and Parking
  - A Traffic Engineering Report should have been submitted in support of the proposed development.
  - The Appellant refers to a number of non-compliance traffic issues raised in the initial submissions including that lack of a loading bay, turning heads, insufficient width for 2 way traffic movements and room for reversing movements.
  - The Appellant refers to the traffic safety concerns raised by the objectors to the planning application, including an increased traffic hazard under the Willowbrook archway.
- Private Open Space
  - The rear gardens of the proposed dwellings are out of character with the larger gardens in the area and as required in the Sligo County Development Plan.

- There is virtually no private outdoor space for the Apartments adjacent to the wastewater treatment plant.

- Timing of amended plans submission
  - The Local Authority issued a Request for Further Information (FI) dated 16/12/2024.
  - The FI response should have been submitted by 6/06/205 but was not.
  - The FI Request letter dated 16/12/2024 also refers to an additional period not exceeding 3 months for additional information. In order to meet this additional 3 month period, agreement must have been reached with the planning authority. The Appellant submits there is no evidence of such an agreement published on the planning website and therefore submits that it can be assumed that there is no such agreement.
  - The Appellant submits that having regard to the foregoing, the submitted application has not complied with Article 33 (3) of the Planning and Development Regulations, 2001 and should have been declared withdrawn.

6.2. **Applicant Response**

- The Applicant submitted a Response to the Third Party Appeal, the main points of which can be summarised as follows:
  - Flooding and Flood Risk
    - The Applicant refers to the Flood Risk Assessment submitted as part of the Application documentation. The Local Authority Planner refers to this Flood Risk Assessment Report as part of the decision making process and the site layout was informed by same.
    - The Appointed Flood Engineers, as per Appendix 1 of the Appeal Response, provide a specific Response to the issue of Flood Risk, the main points of which can be summarised as follows:
      - The submitted Flood Risk Assessment (FRA) is based on the 'The Planning System and Flood Risk Management – Guidelines,

November 2009, Office of Public Works' and associated technical appendices.

- The Applicant refers to and partially quotes directly from Section 33.2.6 of the Sligo County Development Plan which relates to Flood Risk Assessment. The Applicant submits that the basis of Flood Risk Assessment is to identify the relevant flood risk mechanisms on the site of the proposed development, to estimate design flood levels and to compare them with the relevant items of the proposed development in order to determine the flood risk posed.
- In reference to the 2 no. specific Flood Risk issues raised in the Appeal the Applicant's response is as follows:

  i) *a previous flood event in November 2024 on the area on the football pitch and part of the subject site*

  - The photo in Figure 1 shows the total area of the flooding covering part of the football pitch and part of the subject site.
  - The flood level at the flood event in November 2024 is deduced to be 61.9 metres AOD (See contour as a blue line in Figure 2).
  - Flood levels in metres AOD for Node 34MULL00997 on the Mullaghanoe River and Node 34SARG00005A on Sargirra River are tabulated in table 1.
  - The flood level reached during the flood event in November 2024 is less than the 1% chance (100 year return period) flood risk level.
  - The proposed Finished Floor Levels (FFLs) of the proposed dwellings varies with the lowest being no. 34 (FFL 62.90 metres AOD). The flood level observed during the November 2024 flood event is indicated to be 61.90 metres AOD which is 1.0 metre below the proposed minimum FFL.

ii) *the use of CFRAM flood levels and the absence of site specific hydraulic modelling in the Flood Risk Assessment,*

- The subject site area is included in CFRAM Mapping.
- The rivers and streams within the community that are selected for further assessment, are considered high priority water courses which means cross sections are taken at closer intervals. Figure 3 (Cross Section locations in the general area of the subject site used in CFRAM study (source: floodinfo.ie) shows the location of cross sections within the site area.
- Therefore, the CFRAM final maps are produced after an extensive study with hydraulic modelling carried out for the entire water courses and it was not necessary to carry out a hydraulic modelling exercise for the subject site area using the topographic survey which was limited to the subject site. Moreover, the CFRAM study is more accurate using 1-D and 2-D analysis.
- The site-specific flood risk assessment carried out for the planning permission used the flood levels from the CFRAM study as they were from a detailed hydraulic modelling exercise and the site specific flood risk assessment is carried out as per the guidelines and the ground levels are from the topographic survey and Lidar data.
- Finally, the minimum freeboard of the proposed dwellings against the 0.1 % chance (1,000 year return period) flood is 0.66 m as the minimum finished floor level of the proposed dwelling houses is 62.90 m AOD (Dwelling No. 34). This is taken as adequate against increase of flood levels due to climate change. The flood plain of the Sargirra river is mainly on the left bank (South of the river) and a buffer zone is provided on the right bank (North of the river on the subject

site). The football pitch is on the left bank. The proposed development was concluded as suitable with regard to the Planning Systems and Flood Risk Management guidelines (OPW, 2009) in the flood risk assessment submitted with planning reference 2460366.

- Ecology and Natura Impact Statement (NIS)
  - The appeal asserts that the ecological assessment and Natura Impact Statement (NIS) are inadequate due to proximity to the Moy River SAC. A full ecological assessment and NIS were submitted with the planning application and considered by the Planning Authority as part of its Appropriate Assessment screening and determination. The grant of permission confirms the Authority was satisfied that the proposed development will not give rise to adverse effects on the integrity of the SAC, in accordance with the Habitats Directive. Ecological impact is also a specialist discipline.
  - A separate response on Ecology and Appropriate Assessment is provided by the appointed Environmental and Ecological Consultants and summarised as follows:
    - A Stage 1 Appropriate Assessment Screening Report, Stage 2 Natura Impact Statement and a preliminary Construction Environmental Management Plan were submitted as part of the planning application and prepared by suitably qualified professionals with relevant expertise.
    - The Stage 1 Appropriate Assessment Screening Report carefully assessed any potential indirect ecological/ hydrological connector/ receptor pathways and, following assessment, it was determined that mitigation measures would be required to protect this European designation.
    - The NIS and preliminary CEMP outlined site-specific mitigation measures to be implemented during the construction phase of the development to ensure no impacts on any Natura 2000 site, including extensive measures to ensure silt laden surface water

runoff was to be managed accordingly to ensure no impacts on the river waterbodies in the area, together with flood mitigation measures to ensure no impacts during potential flooding and extreme weather events, such as *'no construction is to take place on site when a "orange" weather warning or higher has been issued by Met Eireann.'* The bio-swale is proposed to be constructed prior to any other works and during a dry period. As per the NIS *'After the excavation work has been carried out the rain garden is to be seeded and planted immediately, this will prevent soil erosion and sedimentation of the adjacent water body.'* This further protects the waterbody from potential impacts during the construction phase of the development. A consultant ecologist will supervise the construction of the fence with construction activity to be located within the confines of the construction area to ensure no disturbance to the river and potential fauna within this ecological corridor. Appendix A of the NIS, includes a site layout plan indicating where the silt fence is proposed to be erected. The aforementioned reports assessed all potential indirect hydrological and ecological connector/ receptor pathways between the application site and any Natura 2000 sites.

- A Biodiversity Net Gain Report was also prepared and submitted within this planning application. The submitted reports included additional protection measures for local flora and fauna. Protection measures for waterbody species including the White Clawed Crayfish as a precautionary measure are addressed in the Ecological Impact Assessment Report. No works are to be completed within the waterbody and there will be no construction works adjacent to the south of the site, and all works are to be confined to the north of the silt fence barrier. No lighting will be erected along the river and therefore there will be no barriers to wildlife in this area. The proposed development will result in a biodiversity net gain, and the fauna protection measures will ensure

no impact or significant disturbance to wildlife during the construction or operational phase of this development.

- The Site Specific Flood Risk Assessment (SSFRA) identified the flood risk zone on site and considered the impacts of flooding on the proposed development. The proposed development works are located outside of the flood risk area, with the area to the south of the site within the flood risk zone to be a landscaping area with the existing vegetation to remain and supplemented native planting proposed.
- No works or landscaping works are proposed within the SAC area. Therefore, no direct impacts on the SAC arise from the proposed development in this case.

- Traffic, Parking and Site Layout
  - The appeal makes general assertions regarding internal road widths, turning areas, parking arrangement and traffic at the Willowbrook archway. The proposed layout was fully assessed by the Planning Authority against the Sligo County Development Plan standards for roads and parking and 'Design Manual for Urban Roads and Streets (DMURS). The appellant further asserts that access to the site is solely via the Willowbrook archway; however, this is incorrect, as the principal site access will be provided via the L8941 Bellaghy–Knoxville Manor Road.
  - Where appropriate, the Authority retains full discretion to impose conditions requiring compliance at detailed construction stage, Including swept-path analysis, on-street parking control and traffic management measures. The appellant does not reference specific standard breaches supported by measured drawings or technical analysis. Generalised statements are insufficient to displace the professional planning assessment underpinning the grant of permission.

- Private Open Space/ Rear Gardens
    - The appeal asserts that the rear gardens are inadequate in size and inconsistent with the established character of the area. However, the proposed development comprises a mixed residential scheme incorporating both houses and duplex apartments, and therefore private open space standards appropriately vary by unit type. Furthermore, the rear gardens proposed are, in fact, more generous than those within the adjoining Knoxville Manor Estate, where average garden depths are approximately 6 metres, compared to the minimum depth of 8 metres provided throughout the proposed development.
    - The private open space provided for the houses fully complies with the standards set out in Section 5.3.2 Private Open Space for Houses, specifically SPPR 2 - Minimum Private Open Space Standards for Houses of the Sustainable Residential Development and Compact Settlements (2024) guidelines. These require a minimum private open space of 40 sq.m for a three-bedroom house and 50 sq.m for a four-bedroom house. Not only does the proposed development meet these minimum standards, but it significantly exceeds them, as outlined below:
        - Private open space for the four-bedroom houses exceeds the minimum requirement of 50 sq.m, with garden areas ranging from 58.97 sq.m to 78.66 sq.m.
        - Private open space for the three-bedroom houses exceeds the minimum requirement of 40 sq.m, with garden areas ranging from 49.63 sq.m to 71.23 sq.m.
        - Private open space for the two-bedroom houses exceeds the minimum requirement of 30 sq.m, with garden areas ranging from 53.32 sq.m to 65.96 sq.m.
    - The private open space provided for the duplex apartments also complies with the standards set out in Appendix 1 (Minimum Floor Areas and Standards) of the Planning and Design Standards for

Apartments. These require a minimum private open space of 5 sq.m for one bedroom apartments and 7 sq.m for two-bedroom apartments. The proposed provision again exceeds these requirements.

- Private open space for the one-bedroom duplex apartments exceeds the minimum requirement of 5 sq.m, with areas ranging from 6.25 sq.m to 7.42 sq.m.
- Private open space for the two-bedroom duplex apartments exceeds the minimum requirement of 7 sq.m, with areas ranging from 7.96 sq.m to 11.32 sq.m.

- Accordingly, the Planning Authority was satisfied that the proposed development achieves an appropriate standard of residential amenity and is fully compliant with the Development Plan and national residential design guidelines.

- Alleged Procedural Defect under Article 33 (Further Information)
  - The appellant asserts that the planning application should have been declared withdrawn under Article 33(3) of the Planning & Development Regulations 2001 (as amended). This assertion is incorrect. Written agreement to extend the period for submission of further information was formally obtained from Sligo County Council in accordance with Article 33(3), and this written confirmation is enclosed with this response.
  - In conclusion, the appeal raises no new or substantive material planning considerations beyond those already fully assessed by the Planning Authority. Flood risk and ecological matters were comprehensively addressed by suitably qualified specialist consultants and will be further reinforced through separate expert submissions. Issues relating to traffic, parking, site layout, and residential amenity fully comply with the provisions of the Development Plan and the principles of DMURS, and are appropriately regulated by condition. Furthermore, written agreement was obtained from Sligo County

Council regarding the extension of the period for the submission of further information.

- It is submitted that the Chief Executive's Order represents a balanced, robust, and policy compliant planning decision. The appellant has failed to demonstrate any grounds to warrant refusal. Accordingly, we respectfully request that An Coimisiún Pleanála dismiss the appeal and uphold the grant of permission in full.

6.3. Planning Authority Response

- The Local Authority submitted a Response to the Third Party Appeal, the main points of which can be summarised as follows:
  - The Local Authority refer the Commission to the Local Authority Planners Reports and Assessment and the decision to Grant permission.
  - On the 5th June 2025, the Agent requested an extension of time for the Response to Further Information. The Local Authority state this was agreed and extended to 13th September 2025. The Local Authority refer to and attach a Chief Executive Order dated 10th June 2025 which consents to the Extension of Time sought.
  - The Local Authority consider that the Appellants have not submitted any additional information in the appeal which would serve to alter its decision. The Local Authority consider that for the purposes of applying for planning permission, the applicant has complied with legislation.
  - The Local Authority finally consider the proposed development would be suitable at this location and consistent with policies and other relevant provisions of the current Sligo County Development Plan, 2024 to 2030.
  - The Local Authority finally respectfully requests the Commission to grant permission in this case.

6.4. Observations

- None

6.5. **Further Responses**

- None

7.0 Assessment

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

- Principle of the Proposed Development
- Proximity to Wastewater Treatment Plant **(New Issue)**
- Flooding and Flood Risk Assessment
- Ecological Assessment
- Traffic and Parking
- Private Open Space
- Other Matters
    - *Timing of the Submission of Amended Plans*

7.2. Principle of the Proposed Development

7.2.1. The proposed development is predominately zoned RV (Rural Village) in the Ballaghy Land Use Zoning Map which forms part of the Sligo County Development Plan, 2024 to 2030. The remainer of the site is zoned OS (Open Space). I am satisfied that the proposed development for residential development on RV Rural Village Lands, as presented, is acceptable in principle subject to normal planning and environmental considerations as discussed further below.

7.3. Proximity to Wastewater Treatment Plant **(New Issue)**

7.3.1. There is an existing Wastewater Treatment Plant (WWTP) located on the lands to the immediate west of the subject appeal site. I estimate the nearest existing

dwelling to the said WWTP is positioned c. 83 metres to the northeast at no. 13 Knoxville Manor.

7.3.2. I note the planning history of the subject appeal site and adjacent sites in the immediate vicinity of the existing WWTP. Under planning reg. ref. no. 00/718 on the lands to the north of the subject appeal site, point no. 4 c) of the Request for Further Information sought revised proposals to include *'a 50m separation distance between houses and sewerage treatment works as per Environmental Protection Agency.'* The permitted revised site layout under planning reg. ref. no. 00/718 shows a generous area of public open space to the south of the site with the nearest dwelling estimated to be c. 46 metres from the northern boundary of the WWTP. Under planning reg. ref. no. 06/1022 (Appeal Ref. No. PL 21.224281) on the subject appeal site, where permission was previously granted in November 2007 for 43 no. dwelling units, the northwest area of the permitted site layout plan, adjacent to the existing WWTP, comprised a large area of public open space. A separation distance of c. 50 metres appears to have been observed between the eastern boundary of the WWTP and the approved dwellings and apartment blocks. More recently, permission has been granted for 18 no. dwellings on the site to the northwest of the subject appeal site which is positioned to the north of the existing WWTP, see planning reg. ref. no. 26/60080. As per the permitted site layout drawing attached to planning reg. ref. no. 26/60080, a separation distance of c. 34 metres is proposed to be observed from the northern boundary of the WWTP to proposed unit no's 17 and 18.

7.3.3. In the case of the subject proposals, the rear of unit no's 5 and 6 as indicated on the revised site layout plan is proposed to be within 15 metres of the shared party boundary and within 26.8 metres of the existing control house within the WWTP site. I note as per the approved plans under planning reg. ref. no. 13/365, which pertains to upgrades at the WWTP, that there is a permitted 'Preliminary Treatment' unit located in the southeast corner of the WWTP. I estimate this said unit is positioned c. 4 metres from the side (east) party boundary of the WWTP and within c. 34 metres of proposed unit no's 17 and 18.

7.3.4. There is no recommended minimum separation distance in the Sligo County Development Plan, 2024 to 2030, for new residential development from an existing WWTP. I note as per the Environmental Protection Agency (EPA) guidance document *'Wastewater Treatment Manuals, Treatment Systems for Small*

Communities, Business, Leisure Centres and Hotels, 1999', that the recommended minimum separation distance to a WWTP as set out in Section 3.8 (Sludge Production and Treatment) – Table 4 (Recommended Minimum Distances from Treatment Systems) is indicated to be 50 metres.

7.3.5. In my opinion, in cases such as the subject case where the above recommended minimum separation distance of 50 metres is not achieved, a lesser separation distance may be acceptable where the Applicant has suitably demonstrated to the satisfaction of the Planning Authority that the siting of the proposed dwellings would not give rise to future residential amenity impacts such as by reason of odour or noise nuisance.

7.3.6. Having regard to the foregoing, I am not satisfied that the Applicant has suitably justified the location of the proposed residential units on the subject appeal site which at their nearest point would be c. 15 metres from the shared party boundary.

7.3.7. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal, it may not be considered necessary to pursue the matter.

7.4. Flooding and Flood Risk Assessment

7.4.1. The subject application was received by the Local Planning Authority on 16th October 2024 and included a Site Specific Flood Risk Assessment (SSFRA) dated September 2024. The Applicant's SSFRA has relied upon OPW CFRAM Mapping and data from 2 no. adjacent CFRAM flood nodes on adjacent rivers.

7.4.2. As part of the Appeal Response, the Applicant acknowledges the flood event in November 2024 and deduces the flood level at this flood event to be 61.9 m AOD. I note this flood level (61.9 m AOD) is the same as the 100 year (1%) CFRAM flood level of 61.94 m AOD. I note the drone photographs of the November 2024 flood event presented as part of the Appellants submission to the Local Authority dated 6th October 2025 and attached as part of the Appeal submission. The photos presented in Figures 2, 3, 4 and 5, in my opinion, exceed both the indicative 1 in 100 and 1 in 1,000 year flood event shown on the CFRAM flood map for the general area. In other words, the extent of the flood event in November 2024, in the case of the subject appeal site, exceeded the predicted flood extents presented in the Applicant's SSFRA and subsequent Appeal Response submission. I am therefore not satisfied

that the Applicant's SSFRA and the findings therein as to the extent of Flood Zones A, B, and C on site can be relied upon. In this regard, it is my opinion that a detailed hydraulic flood model of the site and its surroundings, which takes full account of all relevant information, including the recent flood event in November 2024, is warranted in this instance. In the absence of such a Stage 3 – Detailed Flood Risk Assessment, it is my opinion that the Applicant has not suitably demonstrated that the proposed development, as presented, would not pose a significant flood risk.

7.4.3. I note as per the submitted existing Site Plan Survey drawing, which includes a topographical survey, that the site falls in a general north to south direction towards the River Sargirra. A significant portion of the northern part of the subject appeal site, which is located on higher ground, is likely to fall within Flood Zone C. The true extent of Flood Zone C and indeed Flood Zones A and B, has yet to be established by way of a revised and sufficiently robust hydraulic flood model. In the absence of same, it is my opinion that the extent of the subject appeal site located within Flood Zone C and therefore appropriate for residential development, cannot be confirmed with any degree of certainty. Similarly, and in the absence of such more definitive information in relation to flooding impacts at this site, it is unclear whether the proposed areas of usable public open space, which make up the required 15% would be entirely located within Flood Zone C and would therefore be usable. I finally note it is proposed to install localised banking to the south of unit no's 17/18 immediately adjacent to the Flood Zone, the justification for which is unclear.

7.4.4. Having regard to the foregoing, I am not satisfied that the Applicant has suitably demonstrated that the proposed development, as presented, would be acceptable from a flood risk perspective.

7.4.5. Although the Commission could decide to request a Stage 3 Flood Risk Assessment including a Hydraulic Model by way of a Request for Further Information, it should be noted that the Applicant has already had an opportunity to provide such detail as part of the Appeal Response as this issue was also raised as a concern as part of the Third Party Appeal and the Applicant chose not to provide such a Stage 3 Flood risk Assessment.

7.5. Ecological Assessment

7.5.1. As set out below in Section 9.0 Appropriate Assessment and following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the River Moy SAC cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the potential for adverse effects.

7.5.2. The submitted Ecological Impact Assessment (EcoIA) which is prepared by Consultant Ecologists and has utilised best practice methodologies. The EcoIA should however be revisited and suitably amended where necessary in order to reflect the findings of any revised Flood Risk Assessment or Natura Impact Statement.

7.6. Traffic and Parking

7.6.1. The Appellant has raised a number of concerns in relation to Traffic and Parking. Reference is also made to the Traffic and Parking concerns raised in the third party submissions to the planning application.

- *Road Widths*

7.6.2. All proposed internal road widths within the proposed development site, as shown on the revised site layout presented as part of the Response to Further Information, Drawing no. 3002, Rev. A, measure 5.5 metres. All roads within the development are linked streets as opposed to arterial routes. In the case of unit no's 5 to 16, all parking spaces measure 5 metres in length and as such there is, in my opinion, sufficient manoeuvrability width at this location. I am satisfied that the proposed road width of 5.5 metres throughout the proposed development is acceptable and suitably accords with recommendations for road widths and parking manoeuvrability contained in the Design Manual for Urban Roads and Streets, 2019 (DMURS).

- *Lack of Autotrack Analysis*

7.6.3. The Applicant has not provided an Autotrack Analysis of the proposed development although this is not expressly required in the Development Plan. Based on the revised site layout, I would not have any concerns as to the suitability of the site layout to accommodate typical traffic movements of larger vehicles, e.g. Waste

Collection Vehicles, Fire Tenders or Ambulances. Owing to the nature and scale of the proposed residential development and the lack of any proposed commercial element, I am satisfied there is no requirement for a dedicated loading bay.

- *Assessment of Traffic Movements*

7.6.4. The subject application is not accompanied by a dedicated Traffic Impact Assessment (TTA) or indeed any detailed traffic impact analysis. The scale of the revised proposal, at 32 no. residential units, is not such that would typically generate a need for such an assessment. In this regard, I note as per Table 2.2 of the Traffic and Transport Assessment Guidelines, PE-PDV-02045, May 2014, which relates to the Advisory Thresholds for Traffic and Transportation Assessment where National Roads are Affected, that in the case of housing in excess of 50 dwellings within urban areas with a population less than 30,000 persons and in excess of 100 dwellings in urban areas with a population equal to or greater than 30,000 persons that a TTA is advised. The subject appeal site is accessed via the adjacent residential estate road through Knoxville Manor which in turn connects to the L8941 local road via an intervening local road. The L8941 in turn intersects with the N17 further to the south. Having regard to the foregoing, I am satisfied, particularly owing to the scale of residential development proposed that a Traffic and Transportation Assessment is not required in this instance.

7.6.5. Additional third party concerns, as raised in the third party submissions to the planning file, include concerns in relation to anticipated increased traffic movements from the subject appeal site through an existing commercial development at Willowbrook Centre located on the eastern side of Knoxville Manor estate road. This said commercial development is in private control and ownership. Vehicular access is currently available from Knoxville Manor to the L8941 via said commercial development. The said commercial development includes an existing childcare facility and parking areas. It is accepted there is nothing to prevent traffic generated from the subject proposal to access the L8941 via the Willowbrook Centre. This issue does not appear to have been raised as part of the Local Authority Assessment. Although the Applicant refers to this issue in the Appeal response it is on the basis that the Appellant submitting that it is the sole means of vehicular access.

7.6.6. In my opinion, the primary means of vehicular access to the proposed development site will be via Knoxville Manor Estate Road and the public road network from the junction of the local road and the L8941 located c. 275 metres to the northeast of the subject appeal site. The entrance to the Willowbrook centre off the L8941 has been intentionally designed to accommodate two way traffic and is understood to have been approved as a through road. The said through road through measures 6 metres in width, includes footpaths and traffic calming measures and already accommodates access for a total of c. 66 no. car parking spaces and goods access to the rear of the convenience store. In my opinion, the existing through access road is designed to an acceptable modern standard such that it could readily accommodate additional traffic movements. In my opinion, the additional traffic movements associated with the proposed development are not significant and would not give rise to any significant traffic safety concerns at this location.

- *Pedestrian Facilities*

7.6.7. I note the Local Authority, as per Point no. 8 b) of the Request for Further Information, sought consideration for the provision of a continuous footpath from the junction to the treatment plant along the eastern side of Knoxville Manor residential development to terminate at the Commercial centre. I note the Applicants' Response to this item of Further Information where, in summary, they state that they do not have control over the private lands on the East of the existing road and that a continuation of the paths with a pedestrian crossing on the western side is indicated which provides pedestrian permeability to the commercial centre to the north. This arrangement is accepted by the Local Authority. I note it is proposed to provide a pedestrian/ cycle access to Main Street (N17) via the adjacent lands to the east of the subject appeal site. This arrangement will, in my opinion, serve to improve pedestrian connectivity to the subject appeal site. I am therefore satisfied that the proposed pedestrian access arrangements are acceptable in principle.

7.7. Private Open Space

7.7.1. Section 33.3.8 of the Sligo County Development Plan, 2024 to 2030, as varied, relates to minimum Private Open Space Standards for Houses and Apartments. Appendix 06 of the Applicant's Response to Further Information provides a Private Open Space Assessment for the proposed dwellings. This demonstrates that all

proposed dwellings suitably comply with the minimum recommendations set out in SPPR2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. The Minimum Private Open Space Standards set out in Table 33.3 of the Development Plan are consistent with the Guidelines. I am therefore satisfied that the proposed development, as presented, is consistent with minimum Private Open Space Standards for Houses as set out in Table 33.3 of the Sligo County Development Plan, 2024 to 2030, as varied.

7.7.2. The adjacent lands at Knoxville Manor to the immediate north of the subject appeal site are in residential use and mainly comprise more spacious individual plots with generous front and rear amenity spaces. The subject proposals, for the most part, comprise individual plots, in keeping with the established residential character of the area. Although individual Private Open Space allocations are likely to be below that of the existing dwellings, I do not consider this would be such that the proposals would be out of character with the prevailing style and pattern of established residential development in the area. In this regard therefore, I consider the proposed Private Open Space provisions for the respective dwellings to be acceptable and in keeping with the established character of the area.

7.7.3. The Apartments adjacent to the Wastewater Treatment Plant (WWTP) are presented in 2 no. Blocks and comprise units 5 to 11 and 12 to 18 respectively. Appendix 03 of the Applicants' Response to Further Information provides an Apartment Quality Assessment and confirms all said units exceed minimum Private Open Space standards as set out in Table 33.4 of the Sligo County Development Plan, 2024 to 2030. I am therefore satisfied that the proposed development, as presented, is consistent with minimum Private Open Space Standards for Apartments as set out in Table 33.4 of the Sligo County Development Plan, 2024 to 2030, as varied.

7.8. Other Matters

- *Timing of the Submission of Amended Plans*

7.8.1. The Local Authority issued a Request for Further Information on 6th December 2024.

7.8.2. I note, as per the Appeal submission from the Local Authority dated 11th December 2025, it is stated that *'an extension of the time-period for FI response was requested by the agent on 05th June 2026. This was agreed and extended to 13th September 2025. Please see attached signed CE Order P295/25.'* I note the copy of the said CE

Order attached to the rear of said letter. I am satisfied that the Applicant sought an Extension of Time within which to Respond to the Request for Further Information and that the Local Authority consented to same in accordance with the provisions of Article 35 of the Planning and Development Regulations, 2001, as amended.

7.8.3. The Applicant incidentally submitted a formal Response to the Request for Further Information with the Local Authority on 25th August 2025. On 26th August 2025, the Local Authority wrote to the Applicant under Article 35 of the Planning and Development Regulations, 2001, as amended, seeking for the Application to be readvertised as Significant Further Information. The Applicant duly readvertised the proposed development as Significant Further Information and lodged the required revised notices on 4th September 2025. A Notification of Decision to Grant Planning Permission was subsequently issued on 28th October 2025.

7.8.4. I am satisfied that the Applicant has fully complied with the requirements of the Planning and Development Regulations, 2001, as amended, in terms of the timing of the Response to Further Information.

8.0 Water Framework Directive (WFD) Screening

8.1. The Charlestown Stream_010 (River Sargirra) (EU Code: IE_WE_34C280100) lies to the south of the subject appeal site (Waterbody Status: Good. WFD Objective: At Risk). The site lies above the Kilkelly Charlestown Groundwater Body (EU Code: IE_WE_G_0032) (Waterbody Status: Good. WFD Objective: Not at Risk). The proposed development is detailed in section 2.0 of my report. There were no specific water deterioration concerns were raised in the planning appeal or observations.

I have assessed the proposed development and associated 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 reason for this conclusion is as follows:

- Nature of works e.g. limited scale and nature of the development;
- The proposed SuDs measures and proposed hydrocarbon interceptors;
- The poorly draining clay soils on site which offer protection to groundwaters;

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

9.0 Appropriate Assessment

9.1.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Moy SAC, in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the River Moy SAC cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the potential for adverse effects.

My conclusion is based on the following:

- The findings and conclusions of the Appropriate Assessment Screening Report
- The findings and conclusions of the Natura Impact Statement
- The Site Specific Flood Risk Assessment
- The Third Party Submissions
- The submission from the Department of Housing, Local Government and Heritage

- The Local Authority Planning Assessment Report
- The Third Party Appeal
- The Appeal Response
- On-Site observations
- Detailed assessment of construction and operational impacts
- The effectiveness of mitigation measures proposed
- The residual risk of significant affects on the integrity of the River Moy SAC

10.0 Recommendation

10.1. I recommend that permission be refused for the following reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to the location of the site within flood zones A and B and in an area identified as being susceptible to flooding, to the nature of the proposed development, which comprises a highly vulnerable use, and to the relevant provisions of the, *'The Planning System and Flood Risk Management' Guidelines for Planning Authorities, published by the Department of Environment, Heritage and Local Government, in November 2009,* and noting the significant flood event on the site in November 2024, it is considered that notwithstanding the findings of the submitted Site Specific Flood Risk Assessment and other supporting documentation, the Applicant has failed to definitively confirm the precise extents of the respective Flood Zones A, B and C on the subject appeal site. In the absence of such information which should be informed by a suitably scoped and robust site specific hydraulic flood model (Stage 3 Flood Risk Assessment), which is fully reflective of said previous flood event, the Commission cannot confirm, with an acceptable level of confidence, that the proposed development, as presented, would not be prejudicial to public health by reason of flood risk and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the information set out within the Natura Impact Assessment submitted which is considerably limited in nature, it considered that it cannot be clearly ascertained that the proposed development, individually or in combination with other plans or projects, even after the implementation of mitigation measures set out, would not adversely affect the integrity of the River Moy SAC (Site Code 002298) in view of the sites Conservation Objectives.

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.

Frank O'Donnell
Planning Inspector

22nd October 2026

Appendix 1 - Form 1 - EIA Pre-Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500315-SO-25
Proposed Development Summary	18 houses and 16 apartments with associated site works. A Natura Impact Statement (NIS) has been submitted with this application.
Development Address	Bellaghy, Co. Sligo
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required.**	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**<u>Class 10 Infrastructure Projects</u>** **Class 10 b) i)** Construction of more than 500 dwelling units. **Class 10 b) iv)** Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.) **<u>Class 13 Changes, extensions, development and testing</u>** (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

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 ☒	**Screening Determination required (Complete Form 3)** ***[Delete if not relevant]***
No ☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)** ***[Delete if not relevant]***

Appendix 2: Form 3 – EIA Screening Determination

A. CASE DETAILS

Case Reference	**PL-500315-SO-25**	
Development Summary	18 houses and 16 apartments with associated site works. A Natura Impact Statement (NIS) has been submitted with this application.	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	See Applicants' Environmental Impact Assessment (EIA) Screening Report
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and a Natura Impact Statement (NIS) have been submitted by the Applicant.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	The Application documentation also includes the following: • Planning and Design Statement • Environmental Impact Assessment (EIA) Screening Report • Appropriate Assessment (AA) Screening Report • Natura Impact Statement (NIS) • Preliminary Construction Environmental Management Plan (PCEMP)

		• Site Specific Flood Risk Assessment (SSFRA) • Ecological Impact Assessment Report (EcoIAR) • Landscape Report • Biodiversity Net Gain Report • Public Lighting Report	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development, as presented, is not significantly different in character and scale to the of the existing surrounding environment.	No
1.2 Will construction, operation, decommissioning or demolition works	Yes	See the Proposed Development Description in the Applicants' Environmental Impact Assessment	No

cause physical changes to the locality (topography, land use, waterbodies)?		(EIA) Screening Report, see Section 1.0 Introduction. The proposed development will result in physical changes to the locality. Topographical changes are not anticipated to be significant. The existing agricultural land use of part of the application site will change to residential use. It is proposed to install a new 450 mm diameter culvert to allow for future development and climate change. The proposed diversion is located within the existing taking in charge areas, see Drawing 02P 'Storm Water Layout'.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	It is not anticipated that the construction or operation of the project will use significant natural resources such as land, soil, water, materials/ minerals or energy, especially resources which are non-renewable or in short supply. Water and fuel will be required during the construction phase of the development which is not anticipated to cause significant impacts.	No

		Upon completion of the Proposed Development a biodiversity net gain will be achieved.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a prior to commencement Construction and Environmental Waste Management Plan (CEWMP) would satisfactorily mitigate potential impacts. No operational impacts are anticipated in this regard.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Solid Waste – Yes Release pollutants or any hazardous/ toxic/ noxious substances - No	The site area is relatively small/ modest. The application is accompanied by a Construction and Environmental Management Plan (CEMP) which features standard practice methods for waste disposal. The proposals within this report were formulated in the light of the requirements of current legislation and statutory requirements including Waste Management Act 1996 to 2008 and regulations and requirements of the Environmental Protection Agency and the Local Authority.	No

		A comprehensive Management Plan detailing the sequence of operations, risk assessments, method statements, and control measures throughout the process will be prepared. Any waste from the proposed development will be recycled or reused where possible. If recycling or reuse is not possible waste should be disposed of by an authorised waste facility.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	At construction phase, Surface water runoff and sources of contaminants during construction will be managed in accordance with industry best practice and as outlined within the Natura Impact Statement (NIS). The proposed development will connect to the public foul sewer, a confirmation of feasibility has been obtained. No impacts are predicted in this regard.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	It is not anticipated that the project will cause excessive noise and vibration or release excessive light, heat, energy or electromagnetic radiation.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	No significant impacts are anticipated on human health as a result of the Proposed Development.	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No COMAH or SEVESSO sites are located within the vicinity. No significant impacts are anticipated with respect to the risk of major accidents and/or disasters as a result of the Proposed Development.	No
1.10 Will the project affect the social environment (population, employment)	No	There are no likely significant effects of the proposed development upon the social environment (population, employment).	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	As part of the EIA Screening Report, the Applicant has considered the cumulative effects of the proposed development in conjunction with other existing and permitted developments in the general area. The works are not expected to result in any significant combined effects, as the scale and nature of the Proposed Development, in conjunction with other projects, will not lead to adverse cumulative impacts on the environment. The Applicant states in the EIA Screening Report that no cumulative effects are identified.	No

2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan.	Yes	An Appropriate Assessment Screening Report was submitted as part of the planning application. The subject site is located to the northeast of the River Moy SAC (Site Code: 002298). There is an identifiable flood risk towards the south of the application site as per the site-specific flood risk assessment submitted as part of this application. This creates a hydrological connector/ receptor pathway between the application site and the SAC. Therefore, indirect impacts cannot be ruled out during the construction phase, due to the potential for surface water runoff, pollution and disturbance to the waterbody in the absence of mitigation measures. As per the 'Appropriate Assessment Screening Report' prepared by the Appointed Environmental Consultants, concludes *'significant effects are expected on the qualifying interests or conservation objectives of the surrounding Natura 2000 sites, as a result of the proposed development in question, along or in combination with the other plans and projects in the area, and therefor that a* ***Natura Impact Statement*** *is required in this case.'* A Natura Impact Statement (NIS) and preliminary Construction Environmental Plan	No

		was submitted as part of the planning application. These reports included mitigation measures to ensure the protection of the River Moy SAC Natura 2000 site during the construction works of this development. The NIS concluded that *'with the implementation of the best practice and mitigation measures described in Section 6 of this report, it is not expected that the proposed development will give rise to any direct, indirect or secondary impacts on the River Moy SAC.'* The closest major water feature in the area is the Charlestown stream_010 on EPA website and catchments.ie, which is located to the southwest of the application site. The EPA has rated the value of the river as 'Good' for the Ecological Status or Potential under the SW 2019_2024 and has a high confidence value. Due to the construction phase mitigation measures, together with the proposed operational storm water treatment proposal, no impacts/ effects are predicted in this regard. The application is located on the Kilkelly Charlestown Groundwater waterbody. The EPA has rated the overall groundwater status as 'Good'. Due to the nature and scale of the proposed development, no impacts/ effects are predicted on the Kilkelly Charlestown groundwater body.	

		There are no Natural Heritage Areas (NHA's) or proposed NHA's (pNHA's) within the vicinity of the proposed development. The nearest NHA to the proposed development is Cunnagher More Bog NHA which is located over 27 km to the north. The nearest pNHA to the proposed development is Cloongoonagh Bog pNHA which is located 4.4 km to the northwest. It should be noted that there is no identifiable ecological and/or hydrological connection between the application site and NHA/pNHA's and therefore, no impacts/ effects are predicted.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	The Planning Application is accompanied by an Ecological Impact Assessment Report (EcoIA). **<u>Flora</u>** The EocIA finds there are no recorded Flora identified on the subject appeal site. **<u>Fauna</u>** No **Badgers** have been recorded on site and there were no visual signs of the presence of badgers or badger sets. No impact/ effects are therefore predicted upon Badgers. White **Clawed Crayfish** were not recorded in the adjacent water body, the River Sargirra. Although there will be no works	No

		inside the river Moy or the River Sargirra a precautionary approach must be taken. All equipment which has been used in water should be treated with a non-toxic disinfectant or a strong saline solution and then thoroughly dried (ideally over 24 hours) BEFORE being used in water again. It is noted that no works are to take place on the riverbank, however precautionary measures should be taken. **Otter:** There was no signs of a holt on the bank of the river, the habitats along the bank lack areas for shelter which otters tend to favour, such as bare root trees, bare soil vegetation. The riverbank is mainly overgrown grass species, with some wetland species such as rushes and reeds. There was scat recorded to the west of the river bank, this was not thought to be Otter scat, due to no bones present in the scat, which is commonly found in Otter scat due to their diet mainly eating full fish. As part of the proposed development, it will be proposed that the banks of the site are maintained to be favourable to wildlife. No **Fox** dens were recorded on site. However, the scat pictured above is thought to be from a fox. The site has suitable feeding areas for foxes, due to the variety of habitats on site, creating food sources year-round and shelter. No other mammals or visual signs of mammals using the site were identified on site during the site visit or	

		during the deployment of the wildlife cameras. **Bats:** A desk-study of the proposed site, which is based on the National Biodiversity Data Centre (NBDC) study area (Ref. G4702) within 1 km of the subject appeal site, shows that there is suitability for all species of Irish bats however, highest suitability is indicated for Soprano and Common Pipistrelle. A Daytime, Transect Survey/ Dusk Survey and a Static Survey were carried out. The level of bat activity on the site is found to be low. Given that there will be minimal vegetation removed and the mitigation measure stated below, no impacts are predicted on the local bat population. **Birds** The following Bird Species were observed from the application site, namely Jackdaw (Coloeus monedula), Magpie (Pica pica) and Hooded Crows (Corvus cornix) and House Sparrow (Passer domesticus). A Grey heron (Ardea cinerea) was recorded to the southwest of the site. No wetland bird species were recorded using the water body during the site visits.	

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no other features of landscape, historic, archaeological, or cultural importance that could be affected.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	A **Site Specific Flood Risk Assessment (SSFRA)** was carried out for the Proposed Development. The relevant flood mechanism is fluvial flooding from Mullaghanoe River to the West of the subject site, Sargirra river (stream on the South boundary) and the existing drain on the subject site, after considering all sources. The CFARM map on Figure 5 show the South part of the subject site is within the flood risk area. Other potential flood risk mechanisms such as coastal flooding, groundwater flooding from karst features and pluvial flooding are not considered to be relevant in terms of potential flood risk at the site. The drain within the subject site has a very small catchment as detailed in Section 4.3.1 and does not pose a flood risk to the subject site. The estimated flood levels at the relevant nodes to the subject site, from CFARM studies for	No

		Mullaghanoe River and Sargirra river are shown on Table 1. The estimated flood level 1% chance (100 year return period) is 61.50 m AOD and 0.1% chance (1000 year return period) is 62.06 m AOD for Mullaghanoe River. The estimated flood level 1% chance (100 year return period) is 61.94 m AOD and 0.1% chance (1000 year return period) is 62.24 m AOD for Sargirra River. The estimated flood levels of Sargirra river are slightly higher than those of Mullaghanoe River. Therefore, the estimated flood levels of Sargirra river are taken as design flood levels. The proposed dwelling houses/apartments have different finished floor levels based on the topography of the subject site. The lowest finished floor level of the dwelling houses is 62.90m AOD (Dwelling No. 34). The freeboard is 0.66 m against 0.1% chance flood (1000 year return period) of Sargirra river. The freeboard against the 0.1 % chance (1000 year return period) flood in Mullaghanoe River is 0.84 m. The freeboard is adequate against increase of flood levels due to climate change as the flood plain of the Sargirra river is mainly on the left bank (South of the river) and a buffer zone is provided on the right bank (North of the river on the subject site).	

		The finished floor level of the proposed development is within flood zone C as defined in Section 2.23 of Planning Systems and Flood Risk Management guidelines (OPW, 2009). The existing ground levels on the part of the subject site where the development is proposed, is in flood zone C, higher than 62.24 m AOD. Groundwater flood risk due to rise in water table is based on the base flow levels of the river. Therefore, the flood risk from groundwater flooding due to water table rise is low. The sequential approach as per Planning Systems and Flood Risk Management guidelines for the subject site is detailed in Section 4.4 of the present report. The proposed development is in the highly vulnerable category as the development comprises dwelling houses, are in flood zone C. The existing ground of the proposed development being in flood zone C, a justification test is not required. The next step in the sequential approach is surface water management, after the justification test. The surface water management measures are detailed in Section 4.5. There aren't significant natural flow	

		paths on the subject site as detailed in Section 4.6 and the surface runoff from the proposed development is managed within the subject site. Hence, there will not be negative effects on the subject site or other property as detailed in Section 4.6.1. The positive effects are neutral as the subject site mimics the existing conditions.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	The location of the subject appeal site is not understood to be susceptible to subsidence, landslides or erosion.	No
2.7 Are there any key transport routes(e.g. National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	Yes	The subject appeal site is proposed to be accessed from a local road off the N17 (National Primary Road) to the east. The N5 National Primary Road lies c. 1.42 km to the south of the subject appeal site. The said National Primary roads are not understood to be susceptible to significant congestion in or around the subject appeal site. It is not anticipated that the proposed development would cause any significant environmental problems which would affect the said National Primary routes or cause significant traffic issues.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals,	No	The subject site is surrounded by existing development. There is no hospital in the immediate vicinity of the subject appeal site. The nearest	No

schools etc) which could be affected by the project?		school is a primary school estimated to be located c. 530 metres to the southwest of the subject appeal site. It is not expected that surrounding land uses would be adversely affected by the proposed development at this location.	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	As part of the EIA Screening Report, the Applicant has considered the cumulative effects of the proposed development in conjunction with other existing and permitted developments in the general area. The works are not expected to result in any significant combined effects, as the scale and nature of the Proposed Development, in conjunction with other projects, will not lead to adverse cumulative impacts on the environment. The Applicant states in the EIA Screening Report that no cumulative effects are identified.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	The project is not considered to be likely to lead to any transboundary environmental effects.	No

3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
~~**Real likelihood of significant effects on the environment.**~~		~~EIAR Required~~

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
   (a) the limited nature and scale of the proposed substation development, within and adjacent to an established substation site,
   (b) the absence of any significant environmental sensitivity in the vicinity,

2. the results of other relevant assessments of the effects on the environment submitted by the applicant including

   - the Appropriate Assessment Screening Report (AASR);

   - the Natura Impact Statement (NIS) and findings of the Local Authority that having regard to the information provided with the application including the NIS, it is reasonable to conclude that the proposed development would not have

significant effects, either individually or cumulatively, affecting the qualifying interests or conservation objectives of the Natura 2000 sites;

- the Appropriate Assessment (Natura Impact Report) of the Sligo County Development Plan, 2024 to 2030;
- the Environmental Impact Assessment (EIA) Screening Report,
- the findings of the Local Authority that having regard to the nature and scale of the proposed development; the nature of the receiving environment; and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required;
- the Strategic Environmental Assessment (SEA) of the Sligo County Development Plan, 2024 to 2030.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified to be provided in the Preliminary Construction and Environmental Management Plan, the Site Specific Flood Risk Assessment, the Ecological Impact Assessment Report, the Landscape Plan and the Biodiversity Net Gain Report.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector: _____ Date: _____

Approved (DP/ADP): _____ Date: _____

Appendix 3: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case File:** PL-500315-SO-25	
Brief description of project	18 houses and 16 apartments with associated site works. A Natura Impact Statement (NIS) has been submitted with this application. Third Party Appeal.
Brief description of development site characteristics and potential impact mechanisms	The subject appeal site has a stated area of 1.8 hectares. The proposed 34 no. new residential units have a stated combined floor area of c.3,563 sqm. The subject appeal site is adjacent to River Moy SAC (Site Code 002298).
Screening report	Yes – Appropriate Assessment Screening Report
Natura Impact Statement	Yes – Natura Impact Statement
Relevant submissions	The Development Applications Unit submitted an observation dated 18/11/2024 on behalf of the Department of Housing, Local Government and Heritage (DHLGH). The following comments were provided in relation to Nature Conservation: 1. Mitigation measures in the NIS to be conditioned in any grant of permission. 2. Ecological Impact Assessment – Biodiversity retention or creation encouraged. 3. Public Lighting recommendations. Third Party Observations: Issues raised: • Submitted NIS is inadequate - No Aquatic Survey provided. - The subject field comprises a Lowland Hay Meadow which is listed as a Qualifying Interest (QI) of the SAC. The proposed works will serve to destroy this QI. No Assessment of this destruction has been carried out. No assessment of indicator species for Lowland Hay Meadows has been carried out. - The NIS underestimates the impact of the proposed works and finds 'no impacts/ effects are expected' yet does not consider the Qualifying Interests. Silt fencing is inadequate as Mitigation.

	• Discrepancies between the Ecology Report and the NIS: - It appears that there are discrepancies in the reports submitted in relation ecology and Natura 2000 sites and the proposed development has the potential to adversely impact on the adjoining Natura 2000 site. • General Impact of the Proposed Development upon the SAC including: - The destruction of wetlands and habitats - Disruption to natural drainage and groundwater recharge - Downstream erosion and sedimentation • Anticipated Flood Impacts associated with the proposed development including: - The location of a Bio Swale, Hydrocarbon Interceptor/s and banking within the flood affected area and the associated potential ecological and environmental impacts arising, including impacts on the River Moy SAC.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The European sites potentially within a zone of influence for the proposed development are listed in the table below.

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date 18/02/2026)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
River Moy SAC (Site Code: 002298)	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	Adjacent	**Yes.** Indirect hydrological connection to SAC – Potential for indirect impacts from Surface Water Run-Off, pollution and disturbance during the construction phase.	**Yes**

	Alkaline fens [7230] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]			

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

The subject appeal site is located adjacent to a designated European Site namely the River Moy SAC (Site Code 002298).

The Applicant's Appropriate Assessment Screening Report (AASR), in Section 3.2.1 (Table 3-1) screened in the River Moy SAC due to an indirect hydrological connection to the SAC and screened out 9 no. separate European Sites due to the lack of connectors/ receptors and the significant distances from the subject appeal site to same namely: Cloonakillina Lough SAC (Site Code: 001899), Doocastle Turlough SAC (Site Code: 000492), Urlaur Lakes SAC (Site Code: 001571), Turloughmore (Sligo) SAC (Site Code: 000637), Lough Nabrickkeagh Bog SAC (Site Code: 000634), Flughany Bog SCA (Site Code: 000497), Ox Mountains Bogs SAC (Site Code: 002006), Lough How Bog SAC (Site Code: 000633) and Derrinea Bog SAC (Site Code: 000604).

I concur with the conclusions reached in this regard.

The screening assessment contained in the applicant's submitted Appropriate Assessment Screening Report indicates potential direct/indirect impacts generated by the construction and

operational phases of the proposed development alone and in combination with other plans and projects including contamination/pollution of surface and/or ground waters.

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: River Moy SAC (Site Code: 002298) **Q/I List** Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Alkaline fens [7230] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095]	**Direct:** None **Indirect:** The River Mullaghanoe is located to the west of the site and the river Sargirra (see fig 3.1 below). This waterbodies flood through and towards the River Moy SAC located to the west and south of the site. There is an identifiable flood risk towards the south of the application site as per the site-specific flood risk assessment submitted as part of this application. This creates a hydrological connector/receptor pathway between the application site and the SAC. Therefore, indirect impacts cannot be ruled out during the construction phase, due to the potential for surface water runoff, pollution and disturbance in the absence of mitigation measures. No impacts are predicted during the operational phase.	**Direct:** There is no potential for **direct** effect on the Qualifying Interests of the European Site. The proposed works are entirely outside the boundary of the European Site. **Indirect:** Possibility of significant effects cannot be ruled out without further analysis and assessment

Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]		
	Likelihood of significant effects from proposed development (alone): **Yes**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided with the application and appeal, having conducted a site inspection, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the River Moy SAC (Site Code: 002298). I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the River Moy SAC when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. **Proceed to AA.**		

Screening Determination

Significant effects cannot be excluded
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects, will give rise to significant effects on the River Moy SAC in view of the sites conservation objectives.

It is therefore determined that Appropriate Assessment (Stage 2) of the proposed development is required as per Section 177V of the Planning and Development Act, 2000, as amended.

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Screening Determination

Appropriate Assessment (PL-500315-SO-25)
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising a residential development of 32 no. residential units in view of the relevant conservation objectives of the River Moy SAC based on scientific information provided by the applicant and considering opinions set out in the observations on nature conservation. The information relied upon includes the following: • Appropriate Assessment Screening Report and Natura Impact Statement prepared by the Applicant. • NPWS information. • Submission from the Department of Housing, Local Government and Heritage. • The other plans and particulars submitted with the application and appeal. I am not satisfied that the information provided is adequate to allow for Appropriate Assessment. I am not satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures design to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness. The NIS has not been updated to reflect the recent flood event (November 2024). The proposed Bio Swale is located within the Flood Zone. The associated Hydrocarbon interceptor could potentially now be within the Flood Zone where it was previously identified in the submitted SSFRA to be outside the Flood Zone. The extent of the flood zone, following the recent flood event (November 2024) should be determined based on a revised hydraulic flood model for the site. No mitigation measures are proposed for the operational phase of the development.
Submissions/observations • See the Summary of Relevant Submissions/ Observations further above in relation to Appropriate Assessment Screening.

NAME OF SAC/ SPA (SITE CODE):

The River Moy SAC (Site Code: 002298)

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction and operation)

See the Natura Impact Statement (NIS)

Qualifying Interest features likely to be affected **See Qualifying Interests (QI) on the NPWS website and in the Conservation Objective Series – River Moy SAC (002298) (Version 2) dated 11th September 2026**	**Conservation Objectives Targets and attributes (summary- inserted)** **See Conservation Objective Series – River Moy SAC (002298) (Version 2) dated 11th September 2026**	**Potential adverse effects**	**Mitigation measures (summary)** Section 6 of NIS
Lowland hay meadows (*Alopecurus pratensis, Sanguisorba officinalis*) [6510]	To **restore** the favourable conservation condition.	Water quality degradation and/ or alteration of habitat quality would undermine conservation objectives	Construction Stage Best practice pollution control measures. Application of industry standard controls during Site Preparation Works, Earthworks and Construction Phase. Construction and Environmental Management Plan. Air Quality/ Dust and Emissions Controls. Measures for Refuelling and the Storage of Fuel and Hazardous Materials
Active raised bogs [7110]	To **restore** the favourable conservation condition.	As Above	
Degraded raised bogs still capable of natural regeneration [7120]	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is	As Above	

	inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in River Moy SAC		Securing appropriate Environmental Approvals and Licenses (e.g. Waste Permits). Measures to Control Water Contamination, Drainage and Water Quality. Noise Control Measures.
Depressions on peat substrates of the Rhynchosporion [7150]	Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in River Moy SAC	As Above	
Alkaline fens [7230]	To **maintain** the favourable conservation condition.	As Above	
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To **maintain** the favourable conservation condition.	As Above	
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To **maintain** the favourable conservation condition.	As Above	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To **maintain** the favourable conservation condition.	As Above	
Petromyzon marinus (Sea Lamprey) [1095]	To **maintain** the favourable conservation condition.	As Above	
Lampetra planeri (Brook Lamprey) [1096]	To **maintain** the favourable conservation condition.	As Above	
Salmo salar (Salmon) [1106]		As Above	

	To **maintain** the favourable conservation condition.		
Lutra lutra (Otter) [1355]	To **maintain** the favourable conservation condition.	As Above	

The above table is based on the documentation and information provided on the file. I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

I note the proposed mitigation measures all relate to the Construction Phase of the proposed development and that no Operational Phase mitigation measures are proposed.

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

The River Mullaghanoe is located to the west of the site and the River Sargirra runs along the southern site boundary. These waterbodies flood through and towards the River Moy SAC located to the west and south of the site.

There is an identifiable flood risk towards the south of the application site as per the Site-Specific Flood Risk Assessment (SSFRA) submitted as part of this application. This creates a hydrological connector/receptor pathway between the application site and the SAC.

Therefore, indirect impacts cannot be ruled out during the **construction phase**, due to the potential for surface water runoff, pollution and disturbance in the absence of mitigation measures.

Mitigation measures and conditions

Best practice and mitigation measures are outlined in **Section 6** of the NIS. These include

- Best practice pollution control measures
- Application of industry standard controls during Site Preparation Works, Earthworks and Construction Phase
- The preparation of a Construction and Environmental Management Plan

- Air Quality/ Dust and Emissions Controls
- Measures for Refuelling and the Storage of Fuel and Hazardous Materials
- Securing appropriate Environmental Approvals and Licenses (e.g. Waste Permits)
- Measures to Control Water Contamination, Drainage and Water Quality
- Noise Control Measures

It should be noted that

- All construction to the east of the site and in close proximity is to be carried out in line with the Inland Fisheries Ireland 2016 Guidelines.
- Prior to any preparation works or construction works, a fence will be erected on site where construction works will be confined to, no works will take place outside of this area. This is to be supervised by a consultant ecologist. This is to prevent disturbance to the river and any associated species.
- A silt fence will be erected before any preparation or construction works on site commencement, to the South of the site and outside of the identifiable flood zones . This silt fence will remain in place for the entirety of the construction phase. This fence must be kept up until all construction is completed. (See **Fig 6.1**).
- The construction compound will be located within flood zone C as identified on site.

It should also be noted that

- A flood event occurred in November 2024 prior to the preparation of the SSFRA. The said flood event appears to have exceeded the 1 in 1,000 year (0.1 %) flood level shown in the submitted SSFRA. A revised SSFRA which includes site specific hydraulic modelling is required in order to establish the true extents of Flood Zones A, B & C.
- The NIS is based on the submitted SSFRA and has not taken account of the flood event in November 2024.
- The proposed Bio Swale is located on land zoned public open space and within the Flood Zone defined in the submitted SSFRA. A hydrocarbon interceptor, as shown on the submitted drainage drawing, is located within Flood Zone C as predicted in the submitted SSFRA. There is a concern that unless the flood zones are not determined by means of a site specific hydraulic flood model that the said hydrocarbon interceptor could in fact be located within outside of Flood Zone C and possibly within Flood Zone B. Where this is the case, there is a concern that in a flood event the hydrocarbon interceptor could become inundated, could fail and could result in the release of concentrated hydrocarbons into the flood zone and, in

turn, into the SAC. All of the QI species and habitats within the SAC are susceptible to a deterioration in water quality arising from the release of such hydrocarbons.

In-combination effects

I am not satisfied that in-combination effects have been assessed adequately in the NIS.

The Applicant has not satisfactorily demonstrated that no significant residual effects will remain post the application of mitigation measures and that there is therefore no potential for in-combination effects.

Findings and Conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site considered in the Appropriate Assessment.

The mitigation measures proposed solely relate to the construction stage of the proposed development and no consideration has been given to mitigation measures during the operational phase. In the absence of a suitably detailed Site Specific Flood Risk Assessment based on a site specific hydraulic model, I cannot confirm with any certainty, the extent of the respective Flood Zones A, B and C on the subject appeal site. The hydrocarbon interceptor could, for example, be located within Flood Zone B and opposed to Flood Zone C as concluded by the Applicant.

In addition, I am not satisfied that in-combination effects have been assessed adequately in the NIS.

Reasonable scientific doubt

I am satisfied that reasonable scientific doubt remains as to the potential for adverse effects.

Site integrity

I am not satisfied that the proposed development will not affect the attainment of the Conservation Objective of the River Moy SAC (Site Code: 002298). Adverse effects on the site integrity cannot be excluded and reasonable scientific doubt remains as to the potential for adverse effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Moy SAC, in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the River Moy SAC cannot be excluded in view of the conservation objectives of this site and that reasonable scientific doubt remains as to the potential for adverse effects.

My conclusion is based on the following:

- The findings and conclusions of the Appropriate Assessment Screening Report
- The findings and conclusions of the Natura Impact Statement
- The Site Specific Flood Risk Assessment
- The Third Party Submissions
- The submission from the Department of Housing, Local Government and Heritage
- The Local Authority Planning Assessment Reports
- The Third Party Appeal
- On-Site observations
- Detailed assessment of construction and operational impacts
- The effectiveness of mitigation measures proposed
- The residual risk of significant affects on the integrity of the River Moy SAC.

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