



An
Coimisiún
Pleanála

Inspector's Report PL-501016-SO-26

Development	Construction of single storey extension to rear and side of existing cottage, installation of new windows, doors and roof on cottage and construction of domestic garage
Location	Cartronabree Td., Kilmacowen, Strandhill, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	25/60495
Applicant(s)	Paul O'Sullivan
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Lorraine & Ronan Hennessy
Observer(s)	None
Date of Site Inspection	17 th July 2026
Inspector	Philip Maguire

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	5
4.0 Planning Authority Decision	5
4.1. Decision	5
4.2. Planning Authority Reports	6
4.3. Prescribed Bodies	8
4.4. Third Party Observations	8
5.0 Planning History.....	9
6.0 Policy Context.....	11
7.0 EIA Screening.....	13
8.0 The Appeal	14
8.1. Grounds of Appeal	14
8.2. Applicant Response	17
8.3. Planning Authority Response.....	19
9.0 Assessment.....	20
10.0 Appropriate Assessment	29
11.0 Water Framework Directive	32
12.0 Recommendation	33
13.0 Reasons and Considerations.....	33
14.0 Conditions	33
Appendix 1 (EIA Screening)	39
Appendix 2 (AA – Stage 1).....	41

Appendix 3 (AA – Stage 2).....	47
Appendix 4 (WFD Screening)	59

1.0 Introduction

- 1.1. This case relates to an appeal by L. and R. Hennessy under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Sligo County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 376(3) of the Planning and Development Act 2024, as amended (the 2024 Act). An Coimisiún Pleanála ('the Commission') is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated in the rural townland of Cartronabree on the northern shore of Ballysadare Bay, the appeal site is located c. 3.6km northwest of Ballysadare and 5km southeast of Strandhill in north County Sligo. The site lies to the southern side of the L7518 where a 60kph speed limit applies. The surrounding area is characterised by rolling farmland to the south of the archaeological and historic landscape of Cuil Irra Peninsula. The nearest neighbouring houses are located along the northern boundary and to the east with a newer dwelling constructed to the northwest corner of the site.
- 2.2. The appeal site is roughly rectangular shaped with a stated area of 1.5 hectares. It has a road frontage limited to the width of the vehicular entrance. This entrance leads to a grassed over laneway which provides access to a cottage and outbuildings to the southwest of the site, some 100 to 125 metres from the dwellings to the north. Immediately to the east of the access lane lies a parallel laneway which provides access to the dwelling to the east. To the west of the access lies the front and rear gardens of one of the adjoining houses where the boundary is mostly defined by a timber post and rail fence. The rear boundary of this property is also similarly defined.
- 2.3. Other boundaries are defined by mature trees and hedgerow with stands of trees around stone walling to the front of the cottage. The cottage, whilst derelict, is intact save for some missing slates and windows. The outbuildings to the rear are in a ruinous state and overgrown with vegetation. The rest of the site is in full meadow.

3.0 Proposed Development

3.1. Planning permission is sought for a single-storey extension and domestic garage. The planning application was accompanied by a Natura Impact Statement (NIS).

3.2. The proposed development is described in the statutory notices as:

“(1) Construct a single storey extension to the rear and side of the existing cottage,

(2) Install new windows, doors and roof to the existing cottage,

(3) Construct a domestic garage,

(4) Install a wastewater treatment system and percolation area and,

(5) Carry out all ancillary site works.”

3.3. In addition to the NIS (Coyle Environmental, Nov. 2025), other documents include:

- Archaeological Impact Assessment (Atlantic Archaeology, November 2025)
- Bat Survey (Caroline Shiel, July 2024)
- Design Statement (Bury Architects, undated)
- Site Characterisation Report (SCR) (Michael Melody, August 2025)

3.4. The following was also submitted in response to a Further Information (FI) request:

- Details and certification of the proposed septic tank.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 24th February 2026 subject to 8 no. conditions, including:

Condition 2 – implementation of mitigation measures detailed in NIS.

Condition 3 – archaeological mitigation including pre-development testing etc.

Condition 5 – installation of DWWTS as per EPA CoP 2021.

Condition 7 – C&D WMP shall include all mitigation measures set out in the NIS.

4.2. Planning Authority Reports

4.2.1. The Planner's Report (21/01/26) can be summarised as follows:

Principle of Development

- Considers no objection in principle to the extension of the cottage.
- Considers the proposal in accordance with policy P-VH-1 which generally requires the retention of vernacular dwellings.
- Notes that the layout plan does not show the location of the effluent treatment system serving adjacent dwellings and considers FI appropriate to address same.

Renovate and Extend Dwelling

- Notes that the proposed rear extension to the cottage is generally located on the footprint of the existing outbuildings.
- States that the proposal is sensitively designed, will not detract from the character of the cottage, is subordinate and integrates with the cottage and therefore is in accordance with policy P-VH-2 and Section 33.2.16 of the Development Plan.
- States that the existing cottage is only slightly visible from the L7518 designated scenic route and notes that the whilst the extension will be visible from Ballysadare Bay, it is replacing existing outbuildings which negates the visual impact.
- Considers that the proposal will not have a negative impact on any protected views given the backland location, presence of vegetation and proposed landscaping.

Residential Amenity

- Considers that the proposal will not have an adverse impact on the residential amenities of the area by reason of overlooking or overshadowing having regard to the separation distances between the proposal and site boundaries.

Construct New Domestic Garage

- No objection to the location of the garage given it will not be visible from the road.

Traffic Safety

- Notes that the Area Engineer has no objections subject to conditions including a new splayed access with wing walls etc.

- Notes that the applicant has not indicated control over the lands either side of the access point; proximity of adjacent access points prohibits improvement works.
- Considers that the existing site entrance will suffice and states that the proposal will not constitute a traffic hazard given there is no intensification of traffic movements to and from the site.

Drainage

- Notes the environment section FI request in relation to the proposed DWWTS.
- Notes the requirement under Article 23 of the Planning and Development Regulations 2001, as amended ('the Regulations'), which require the identification of other DWWTS in the vicinity of the proposal.

Appropriate Assessment

- Considers that the proposal will not have any significant adverse impacts on the Ballysadare Bay SAC and SPA subject to the NIS mitigation measures.

Environmental Impact Assessment

- Excludes the need for EIA at preliminary examination stage.

Archaeological Heritage

- States that the mitigation measures should ensure the ongoing protection of archaeological heritage within the immediate environs of the proposal including that of any unknown archaeology on the site.
- States that the planning authority concurs with the findings of the archaeological impact assessment, noting that all recommendations are subject to approval by NMS and the planning authority.

Bat Survey

- Notes the recommendations of the bat survey, including that in relation to the swallow's nest.
- Planning Authority concurs with the findings of the bat survey and notes that a derogation licence is not required given that no bats were recorded on the site.

Recommendation

- Recommends FI in respect of the existing and proposed DWWTSs etc.

4.2.2. The Planner's Report (20/02/26) can be summarised as follows:

Principle of Development

- Notes layout drawing identifying the locations of the existing DWWTSs serving adjacent properties submitted in compliance with Art. 23(1)(a) of the Regulations.

Renovate and Extend Dwelling

- States that the visual impact of the proposal is no greater than the existing group of buildings on site.

Drainage

- Notes that the environment section examined the FI and consider that the proposal is in compliance with the EPA CoP 2021.

Conclusion and Recommendation

- Considers that the proposal will not be injurious to the amenities of property in the vicinity, would not be prejudicial to public health, is acceptable in terms of traffic safety and convenience, does not have an adverse impact on the Natura sites etc.
- Recommends a grant of permission on this basis.

4.2.3. Other Technical Reports

- Area Engineer (08/01/26) No objection subject to condition(s).
- Environment (30/01/26) No objection subject to condition(s).

4.3. **Prescribed Bodies**

- DAU-NMS (19/01/26) No objection subject to condition(s).

4.4. **Third Party Observations**

4.4.1. The planning authority received 3 no. third party observations. Issues raised reflect the appeal grounds. Concerns, as summarised from the Planner's Report, relate to:

- Housing need

- Vehicular access arrangements / agricultural entrance
- Traffic would result in noise and light pollution
- Visual impact on cottage / garage out of scale / possible residential use
- Possible rental property
- Inadequate development description
- Potential adverse impacts on Ballysadare Bay SAC / SPA
- Site ownership
- Cottage is abandoned and derelict
- Archaeology – ground disturbance within zone of notification
- Wastewater treatment / location of existing systems / cumulative impacts
- No C&D waste management plan
- Efficacy of NIS / site clearance work carried out prior to ecological surveys
- Impact on bats

5.0 Planning History

5.1. Appeal Site

- 5.1.1. PA ref. 95/467 – in January 1996, planning permission was granted for a septic tank.

5.2. Adjacent Sites

- 5.2.1. PA ref. 97/323 – in April 1998, permission granted for a house and treatment system.
- 5.2.2. PA ref. 98/351 – in September 1998, granted permission alterations to dwelling etc.
- 5.2.3. PA ref. 07/1273 – in October 2024, planning permission was granted for retention of alterations to a one and a half storey extension permitted under PA ref. 04/415 subject to removal of dormer window / balcony and replacement within two rooflights (Condition 2). This condition was upheld on appeal under case ref. PL 21.228173.
- 5.2.4. PA ref. 09/358 – in October 2009, planning permission was granted for a house extension including remedial works to existing septic tank and new percolation area.
- 5.2.5. PA ref. 16/109 – in July 2016, permission granted for a house and DWWTS etc.

5.3. Referenced in Appeal

- 5.3.1. PA ref. 24/60670 – in September 2025, the decision of the planning authority was upheld and permission refused on appeal (ABP-320605-24) to renovate a house in Cleggan, Co. Galway. In this case, it was considered that the existing structure was not structurally sound, did not have the majority of its original features in place and thus did not meet the definition of a derelict/semi-derelict dwelling as per policy RH 7.
- 5.3.2. PA ref. 24/60244 – in November 2025, the decision of the planning authority was upheld and permission refused on appeal (ABP-320965-24) to renovate and extend a cottage in Skreen, Co. Sligo. Having regard to the condition of the structure, the majority of which was in ruin and the absence of a defined driveway, internal boundary treatments or septic tank, it was considered that the dwelling was not substantially intact and did not exhibit the main characteristics of a dwelling contrary to P-DHOU-1.
- 5.3.3. PA ref. 18/451 – in June 2019, the decision of the planning authority was upheld and permission refused on appeal (ABP-303671-19) for a house, garage and DWWTS. In this case it was considered that the applicant did not have a demonstrable economic or social need to live in a rural area. It was also considered that the proposal would introduce a form of development which would physically and visually intrude into the existing open uninterrupted view of Ballysadare Bay and have a serious negative impact on the visual amenities of the area; and would negatively impact on the character of the landscape contrary to policies P-LCAP-1 and P-LCAP-2 of the Plan.
- 5.3.4. PA ref. FS5W/20/20 – in April 2021, it was decided that the restoration of the previously permitted pre-1963 dwelling to its previous condition at Somerton Lane / Lower Lucan Road, Strawberry Beds, Dublin was development and was not exempted development under case ref. ABP-308807-20. In this case, it was concluded that the external works and alterations to reconstruct/restore the house would materially affect its appearance.
- 5.3.5. PA ref. ENF2045 – in January 2016, it was decided that the reconstruction/renovation and extension of a derelict cottage/shed at Rinn, Strandhill, County Sligo was development and was not exempted development under case ref. PL 21.RL3395.
- 5.3.6. PA ref. 24/61236 – in October 2025, the decision of the planning authority was upheld and permission refused on appeal (ABP-303671-19) for a house at Kilroghter, Co. Galway due to the limited visibility / stoppage distance on approach and endangerment of public safety by reason of a traffic hazard from associated traffic movements etc.

6.0 Policy Context

6.1. Local Planning Policy

6.1.1. The Sligo Development Plan 2024-2030 came into effect on 11th November 2024. It was subject to a draft Ministerial Direction in July 2024 and is pending a final decision by the Minister following public consultation and OPR recommendations (Oct. 2024). The planning authority decision was made under the provisions of this current Plan.

6.1.2. The appeal site is within a rural area on the northern shoreline of Ballysadare Bay. The entire shoreline is designated as a Visually Vulnerable Area in the Plan and the adjoining road is a Scenic Route (Chapter 23 / Landscape Characterisation Map).

6.1.3. Other guidance is set out in Chapter 24 (Natural heritage), Chapter 25 (Built heritage), Chapter 26 (Residential development) and Chapter 30 (Water infrastructure) etc.

6.1.4. The following sections are relevant to the proposed development:

- 24.1 – Biodiversity
- 25.1 – Archaeological heritage
- 25.3 – Architectural heritage
- 26.5 – Miscellaneous housing provisions
- 30.2 – Wastewater Treatment

6.1.5. Summary of policies relevant to the proposed development:

P-BD-8 Where buildings are proposed to be restored or demolished/replaced, the applicants/developers shall check for the presence of protected wildlife species and follow the protocols set out in the Heritage Council's guidelines *Wildlife in Buildings – Linking Our Built and Natural Heritage*.

P-AH-1 Seeks to protect, manage, and enhance archaeological sites, monuments and landscapes etc.

P-VH-1 Generally requires the retention, sensitive restoration and sustainable re-use of historic buildings, structures and features in the County, including vernacular dwellings, farm buildings, paving, historic boundary treatments or layouts. There will be a presumption against the demolition of older buildings where restoration and adaptation are feasible.

- P-VH-2 Ensure that conversions or extensions to vernacular buildings or the provision of new adjoining buildings, are sensitively designed and do not detract from the character of the historic buildings etc.
- P-DHOU-1 Seeks to encourage the renovation and reuse of derelict houses and consider replacement houses on their merits. Such structures should be generally intact and exhibit the main characteristics of a dwelling.
- P-DHOU-2 Generally require the retention and restoration of vernacular dwellings of local architectural, cultural or social significance. Replacement only considered where the building cannot be made structurally sound etc.
- P-WWT-5 All proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the EPA CoP 2021.

6.1.6. Other relevant guidance is set out in Chapter 33 (Development Management Standards). Section 33.2.16 (Extensions to dwellings) states the following:

“Extensions to dwellings represent an important way of prolonging the life of a house, be it a vernacular dwelling, a more recent bungalow or other house type. In the case of a vernacular dwelling, extensions should be sympathetic to the scale of the existing building and should enhance its character.

The complete redesign and extension of poorly designed dwellings is acceptable, subject to the residential amenity and the design guidelines contained in this chapter. The Planning Authority will adopt a more conservative approach to proposed extensions to vernacular dwellings which contribute to the local character of an area.

The Council will require proposals for extensions to comply with the following:

- i. the extension should generally be subordinated to the main building (i.e. to be or appear smaller when seen from a public road). Exceptions will be considered when the original building is so small that a subordinate extension would not be able to reasonably accommodate the needs of the occupants;*
- ii. the form and design should integrate with the main building, generally following window proportions, detailing and finishes, including texture, materials and colour;*
- iii. the extension shall be designed to ensure that it will not result in overshadowing, loss of daylight or overlooking of adjacent residential properties.”*

Section 33.4.5 relates to ancillary buildings, including sheds and garages. It notes that such structures should generally be positioned to the side or rear of the house, unless it can be shown that the development cannot be seen from the public road etc.

6.2. Other Guidance and Standards

Domestic Waste Water Treatment Systems (EPA, March 2021)

- 6.2.1. Guidance relating to domestic wastewater treatment systems (DWWTSs) for single houses or equivalent development with a population equivalent (PE) of less than or equal to 10 is set out in this Code of Practice (CoP). It details methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

DN-GEO-03031 (TII, May 2023)

- 6.2.2. Standards relating to rural road link design are set out in this TII publication. Section 1.8 relates to relaxations. Section 2.6 relates specifically to sight distance relaxations.

DN-GEO-03060 (TII, May 2023)

- 6.2.3. Standards relating to the geometric design of junctions including direct accesses is set out in this TII publication. Section 1.4.1 refers to the relaxation of standards as outlined in DN-GEO-03031 (above). Table 5.4 details the X-distances on the minor road for visibility measurements and Table 5.5 details the required Y-distances on such roads.

6.3. Natural Heritage Designations

- Ballysadare Bay SAC (000622) – 0km (adjoins southern site boundary)
- Unshin River SAC (001898) – c. 3km southeast
- Union Wood SAC (000638) – c. 4.7km southeast
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) – c. 4.8km north
- Ballysadare Bay SPA (004129) – 0km (overlaps southern site boundary)
- Cummeen Strand SPA (004035) – c. 4.8km north

7.0 EIA Screening

- 7.1. The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001, as amended ('the Regulations'), and therefore no preliminary examination is required (see Appendix 1).

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. A third-party appeal has been lodged by Jennings O'Donovan on behalf of Lorraine and Ronan Hennessy. The relevant grounds of appeal can be summarised as follows:

The Description and Use of Existing Structure

- Submits that the existing cottage has been abandoned i.e., the property has not been lived in for 50 years (last resident passed away in 1972).
- Understands that the septic tank permitted under PA ref. 95/467 was not carried out in accordance with the submitted drawings and never connected to the house.
- Refers to Section 5 referral cases under refs. RL21.RL3395 and ABP-308807-20.
- Submits that the bringing back of this structure into residential use requires permission and thus the development description is inaccurate.
- No evidence of an existing septic tank on the drawings and thus the proposal is an entire redevelopment of a derelict, abandoned and disused structure.

The Extension

- Submits that the proposed extension, at three times the size of the cottage, is not in compliance with Section 33.2.16 of the Development Plan i.e., not subordinate.
- States that the outbuildings are nothing more than ruins and suggests that the applicant uses these ruins to establish extra floorspace at the site.
- States that the proposed extension is not on the footprint of the outbuilding ruins.

The Proposed Use

- Suggests that the extended cottage is to be used as a holiday home.
- Submits that the impact of a short-term let holiday home on residential amenity is the same whether the structure is existing or a new build.
- Submits that a restrictive condition is applied to the use of the structure as a holiday home or short-term let in the event of a grant of permission.

Residential Amenity

- Proposal would have a serious impact on the privacy and residential amenity of the appellant's dwelling in terms of noise and disturbance, enjoyment of their privacy / rear garden space, which would seriously injure the amenities of their property.
- Noise and light impacts on appellant's side and rear boundaries due to vehicular and pedestrian movement, including intensification of traffic to and from the site.
- Proposal is undoubtedly backland development and does not lend itself to adequate residential amenity.

Road Safety and Access

- Access arrangements would create a compound junction with unpredictable vehicular movements and the road alignment would exacerbate collision risk.
- Submits that the sightlines are incorrect and should be taken from 3 metres behind the edge of the proposed entrance i.e., where the site edge meets the public area.
- Refers to the Area Engineer's report which recommends conditions in respect of the new access and sightlines and notes the Planning Officer's consideration of same i.e., the proposal will not result in an intensification of traffic movements.
- Submits that there will be an intensification of traffic movements as the property has not been accessed as a residential use in over 50 years.
- Submits that the capacity and associated traffic turning movements would result in a serious traffic safety issue, would endanger public safety and free flow of traffic.
- Suggests that the appellant's consent is required for the westerly sightline when measured 3 metres behind the actual edge of the applicant's property.
- Submits that the existing entrance was never used as a residential entrance since the dwellings fronting the road were constructed.
- Refers to appeal case under ABP-321385-24 where permission was refused on traffic safety grounds and submits that the same conclusion is applicable here.

Archaeology

- Suggests that a lack of geophysical survey is unacceptable; this is significant as the area has one of the densest concentrations of megalithic monuments in Ireland.

- States that any required redesign (through archaeological mitigation) would be unacceptable in the context of a permission; a new permission would be required.
- Alleges unauthorised works between October 2022 and the date of the AIA i.e., ground disturbance within the archaeological zone of notification (ZoN).
- Unauthorised ground disturbance within the ZoN poses a risk to subsurface deposits associated with the ringfort, in breach of statutory requirements, and thus the integrity of the monument may have been compromised.
- Submits that permission should be refused on archaeological grounds.
- Submits that the operation of a mechanical excavator immediately adjacent to the ringfort, ground disturbance within the ZoN and gravel roadway constitute unauthorised development and a breach of the National Monuments Acts.
- Suggests that parts (a) and (g) of Condition 3 have already occurred.

Environment

- Raises concerns regarding the efficacy of the NIS as well as works completed from October 2022 to the date of the survey i.e., baseline and conclusions invalidated.
- Refers to photographic evidence of baseline habitat loss and disturbance i.e., dry meadows, hedgerows, treelines and areas adjacent to a spring and stream.
- States that these habitats maintain the connectivity to SAC and SPA and their loss / alteration prior to assessment may have irreversibly impacted local biodiversity.
- Direct hydrological connectivity, via the stream, is critical to AA; high groundwater vulnerability and sloping topography increase risk of sediment / pollution runoff.
- Submits that there has been inadequate mitigation and monitoring and works carried out to date; no evidence of their implementation prior to / during site works; no independent monitoring leaving risks of pollution / habitat loss unaddressed.
- Submits that there is an impact on protected bird species due to disturbance; April-October restriction on heavy machinery is insufficient; and there is evidence of works carried out within this sensitive period.
- NIS does not adequately assess the cumulative impacts and an updated ecological survey is essential to address the impacts of pre-survey works / current conditions.

- States that it is highly probable that bats would have nested in the derelict and abandoned house prior to October 2022 and before the bat survey in July 2024.
- Refers to photographic evidence of two young bats at an adjoining property; states that this demonstrates the presence and active use of the environment by bats.
- Refers to appeal case under ABP-320605-24 where permission was refused for the renovation of a house; stating that the refusal was due to the absence of an existing access and potential for adverse impacts on the SAC.
- States that reasonable scientific doubt remains that the development can proceed without risk to water quality and designated habitats; and submits that there is an obligation to refuse if it cannot be proven there is no adverse effect on site integrity.
- Refers generally to appeal cases under ABP-320965-24 and ABP-303671-19 and suggests that impacts on the SAC and SPA were amongst the refusal reasons.

8.2. Applicant Response

- 8.2.1. A response has been received from Bury Architects on behalf of the applicant, Paul O’Sullivan. It can be summarised as follows:

Principle of Development / Lawful Planning Use

- Rejects the contention that the residential use of the cottage has been abandoned, noting the installation of the septic tank under PA ref. 95/467 and stating that the cottage remained in use until the early 2000s (interior photos included in response).
- Notes that non-use or physical decline does not extinguish a lawful planning use and refers to case law in this regard¹, adding that abandonment requires something more than neglect, disrepair or the mere passage of time.
- The statement that the cottage was last occupied in 1972 is incorrect.
- States that there is no evidence of any intervening use inconsistent with the former residential use of the cottage and there is no evidential basis for concluding that the residential use was definitively abandoned in the legal sense.

¹ Ó Murthuile v An Bord Pleanála [2025] IEHC 498
 Leitrim County Council v Dromaprop Ltd. [2024] IEHC 233
 Wicklow County Council v Jessup & Smith [2011] IEHC 81

Design, Scale, Character and Visual Impact

- Notes that the planning authority concluded that the proposal is sensitively designed, does not detract from the character of the cottage and that there would be no impact on protected views at this location; existing size is not sustainable.

Residential Amenity

- Notes that the planning authority concluded that the proposal would not cause unacceptable impacts on neighbouring amenity and states that there is no objective basis in the appeal to displace that finding; cottage not built on backlands.

Road Safety, Access and Sightlines

- Notes the layout drawing illustrates sightlines in each direction measured from a set-back point at the existing carriageway and refers to consent from the adjoining landowner to the east to provide a sightline over the relevant strip of land.
- Notes that the planning authority concluded that the existing entrance would suffice and the proposal would not constitute a traffic hazard nor intensify traffic movements to and from the site to any material degree i.e., 2-4 movements/day.

Wastewater Treatment and Public Health

- Refers to the FI response and extensive conditions imposed in relation to the DWWTS (Condition 5) and submits that in such circumstances there is no basis for the suggestion that the proposal would be prejudicial to public health.

Archaeology and Cultural Heritage

- States that archaeology was fully addressed in the submitted AIA i.e., the proposal is not expected to result in significant adverse impacts on the receiving archaeological or cultural heritage environment with mitigation measure in place.
- Proposals expressly provide for retention of historic dry-stone walling, erection of a site boundary along the access and installation and maintenance of that boundary under archaeological supervision prior to commencement of works.
- Notes that the planning authority addressed claims that prior ground disturbance had taken place and suggested that such works did not warrant the presence of an archaeologist i.e., vegetation removal, digging of trial hole etc.; ringfort untouched.

- Refers to the robust archaeological controls imposed on the decision to grant (Condition 3) including a 15-metre buffer zone around the ringfort etc.
- Submits that archaeology has not been overlooked or minimised, rather it has been identified, assessed and brought under strict pre-commencement control.

Natura 2000, Ecology and Appropriate Assessment

- Notes that the planning authority concluded that the proposal would not adversely affect the integrity of Ballysadare Bay SAC or SPA having regard to their conservation objectives and QIs, subject to the NIS mitigation measures etc.
- Refers to Conditions 2 and 7 in respect of the NIS mitigation measures and states that the suggestion that the ecological baseline was compromised by significant advance site works is not borne out by the planning authority's assessment.

Bats and Birds

- Refers to the submitted bat survey and notes that no bats or signs of bats were recorded within the cottage or outbuildings, and no bats were recorded emerging from any of the buildings on site; demolition would have no impact on bats.
- Notes that the recommendation regarding the swallow's nest can be complied with.

Garage Use and C&D Waste

- Notes that the concerns in relation to the use of the proposed garage have been addressed by Condition 5 of the planning authority decision i.e., the garage shall be used only for purposes incidental to the enjoyment of the dwelling etc.
- States that there is no basis for asserting that construction waste management has been left unregulated or unaddressed having regard to Condition 7 of the decision.

8.3. Planning Authority Response

8.3.1. The planning authority's response can be summarised as follows:

- Refers to the Planner's Report dated 20th February 2026 and other reports prepared in connection with the assessment of the application as well as the decision of the planning authority to grant permission.
- Requests the decision of the planning authority to grant permission be upheld.

9.0 **Assessment**

9.1. **Preliminary Points**

- 9.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.
- 9.1.2. The issues can be addressed under the following headings:
- Land Use and Development Principle
 - Traffic / Transport Issues
 - Amenity Impacts
 - Other Issues

9.2. **Land Use and Development Principle**

- 9.2.1. The appellant raises a number of fundamental concerns regarding the principle of the proposal including that relating to the proposed use and the size of the extension having regard to the Development Plan. They also submit that the residential use of the cottage was abandoned and thus the description of the proposal is inaccurate.
- 9.2.2. The applicant, on the other hand, rejects the suggestion that the use of the cottage was abandoned and states that there is no legal basis for that conclusion. They also note that the planning authority considered the proposal to be sensitively designed.
- 9.2.3. As noted, the planning authority refers to various reports that informed the decision.

General Arrangements

- 9.2.4. The appeal site is accessed via a grassed over laneway which leads to a cottage and outbuildings to the southwest and some 100 to 125 metres from the road fronting dwellings to the north. The cottage, whilst derelict, is intact save for some missing slates and windows. The outbuildings to the rear are in a ruinous state and overgrown with vegetation. The rest of the site was in full meadow at the time of my site visit.
- 9.2.5. The cottage (6.85mAOD FFL) has a northwest-southeast alignment and it is evident from historical mapping that the outbuildings formed a courtyard to the rear. Whilst

this was not overtly evident during my visit, given their ruinous condition, it is proposed to demolish what remains and construct an extension on the same alignment as, and parallel to the cottage. Some under-build would be required to achieve the same FFL.

- 9.2.6. The supporting design statement indicates that this single-storey extension is a contemporary response to the traditional rural vernacular with a low profile, carefully proportioned design with flat roof link that breaks up massing while maintaining form. In this regard, I note that the extended cottage would have an irregular shaped H-plan and marginally higher ridgeline at 11.90mAOD compared to the cottage (11.20mAOD).
- 9.2.7. The existing floor area, inclusive of the outbuildings, is stated as 94sq.m whereas the design statement indicates the cottage has a floor area of 46sq.m i.e., 48sq.m is to be demolished. The gross floor space of the proposed works is stated as 138.70sq.m. The extension has gable ends of 6.65m which reflect the vernacular single-room depths. The ridgeline, at some 19.85 metres long, is somewhat excessive but broken up by virtue of the cottage to the foreground and adopts a similar 35-degree roof pitch.
- 9.2.8. External finishes include blue/black slates, dark grey aluminium fascias, soffits, gutters and downpipes and plaster with wet dash cottage walls. According to the design statement, these materials balance traditional references with contemporary detailing.
- 9.2.9. A detached garage will be located to the front of the extended cottage with similar northwest-southeast alignment and stated floor area of 32.50sq.m. The ridge height is given as 4.58m and the external finishes will match that of the proposed extension.
- 9.2.10. It is proposed to decommission the existing septic tank which is located to the east of the cottage and roughly halfway between the gable wall and the spring stream. The remains of a dry-stone wall further east are to be preserved in addition to the walls to the north and west of the cottage which once defined the site's residential curtilage. A new DWWTS is to be installed to the northwest of the cottage, beyond the stone walls.

Abandonment

- 9.2.11. As noted, the appellant's have suggested that the cottage has not been lived in for 50 years and therefore its residential use has been abandoned. In support of their claim they reference previously decided Section 5 referral cases RL21.RL3395 and ABP-308807-20 which generally considered abandonment as summarised in section 5.3.

- 9.2.12. The applicant, on the other hand, states that the cottage remained in residential use until the early 2000s with no evidence of any intervening use. They also note that the existing septic tank was installed subsequent to PA ref. 95/467 (granted in 1996), irrespective of the appellants claim that this was not carried out as per the permission.
- 9.2.13. I am familiar with the concept of abandonment as it applies to planning law and I am very familiar with cited case reference ABP-308807-20 regarding a property at Strawberry Beds, Dublin 15 having reported on a subsequent referral case at that site under ABP-318478-23. In that latter case, it was concluded that the outbuilding, the subject matter of that referral, was derelict with no functional use and was associated with, and ancillary to, an unroofed structure that was in a ruinous and derelict state, where there was no evidence of any residential use in recent times. The evidential situation at the appeal site is quite different where the cottage is substantially intact and this is a key policy bite point under P-DHOU-1 which encourages reuse provided such structures are generally intact and exhibit the main characteristics of a dwelling.
- 9.2.14. The applicant also refers to recent case law on the matter including *Ó Murthuile v An Bord Pleanála*² which relates to an analogous appeal under ABP-315285-22, albeit regarding retention of renovations to a house etc. In that case, it was claimed that the residential use had been abandoned, however Farrell J. highlighted that if a person ceases to reside in a dwelling, even if it is in a significant state of disrepair, it does not lead inexorably to the conclusion that residential use has been abandoned. Indeed, according to Farrell J., the acknowledged ongoing attempt aimed at a residential use was on its face inconsistent with abandonment of that use and the installation of a septic tank around 1996 in this case can be similarly considered. Moreover, publicly available aerial photography indicates that there was a mobile home on the appeal site between 2009 and 2023. This is corroborated by street view imagery from September 2009 and I am therefore unpersuaded that there was an intervening use.
- 9.2.15. Other relevant caselaw is referenced in the *Ó Murthuile* case, including *Leitrim County Council v Dromaprop*³, where Humphreys J. noted that the old use remains until something unequivocal happens by way of definitive abandonment in the legal sense, surpassing mere neglect and non-operation. This judgement is also referenced by the

² [2025] IEHC 498

³ [2024] IEHC 233

applicant. More generally, it is also important to note the judgement in *Westmeath County Council v Quirke & Sons*, where Budd J. commented that an existing user is a hardy beast⁴, this being a reference to English case law where existing use rights were described as hardy beasts with a great capacity for survival⁵. As noted, the existing cottage (and access) is evident on historical mapping, it is substantially intact and exhibits the main characteristics of a dwelling without any evidence of abandonment.

9.2.16. In such circumstances, I am satisfied that the description of the development as set out in the statutory notices accurately describes the extent of the works now proposed.

Development Plan Policy

9.2.17. The appellant has also raised concerns regarding the scale of the extension, stating that it is not in compliance with Section 33.2.16 (Extensions to dwellings) of the Plan.

9.2.18. The applicant, as noted, refers to the planning authority's comments on scale and design, adding that the existing size of the cottage is not sustainable. In this regard, I note that the initial Planner's Report states that the proposal is sensitively designed, is subordinate and integrates with the cottage. It therefore states that the proposal is in accordance with policy P-VH-2 and Section 33.2.16 of the Sligo Development Plan.

9.2.19. Policy P-VH-2 seeks to ensure that extensions to vernacular buildings are sensitively designed and do not detract from the character of the historic buildings etc. I note that it also provides for an 'exceptional circumstances' test for the demolition of such buildings. Demolition of the cottage is not being proposed in this instance and given the ruinous state of the outbuildings to the rear, their demolition is fully justified as their restoration and adaptation are evidently not feasible as provided for in policy P-VH-1.

9.2.20. In terms of sensitive design and restoration, I am generally satisfied that the proposal accords with policy P-VH-2 and is also supported by policy P-VH-1 in terms of the sustainable re-use of a historic, vernacular dwelling given the extent of the works, as described above. Similar provisions are outlined under policies P-DHOU-1 and P-DHOU-2, the former incorporating a key test for abandonment as previously noted.

9.2.21. On the face of it, however, the proposed extension, at 138.70sq.m, cannot be readily considered as 'subordinate' to the 46sq.m cottage in the normal sense of the word and

⁴ *Unreported, High Court, Budd J., 23 May 1996 at p.125.*

⁵ *Pioneer Aggregates (UK) Ltd v Secretary of State for the Environment [1985] A.C. 135.*

I accept the appellant's comments in this regard. Section 33.2.16 does, however, provide for an exception when the original building is so small that a subordinate extension would not be able to reasonably accommodate the needs of the occupants.

9.2.22. At 46sq.m, I accept the applicant's claim that the size of the cottage, which is laid out with two bedrooms and a kitchen / dining area is not sustainable. I therefore consider the modern extension with additional bedroom meets the exception in Section 33.2.16.

9.2.23. In any event, I note that Section 33.2.16 appears to qualify what it means by 'subordinated to the main building' i.e., to be or appear smaller when seen from a public road. In such circumstances, the rear extension will appear smaller from the limited views available from the public road. In similar regard, the garage to the front will also benefit from significant screening and meets the siting exception under Section 33.4.5 which relates to ancillary buildings, including sheds and garages etc.

Proposed Use

9.2.24. Lastly in terms of principle, the appellant suggests that the extended cottage is to be used as a holiday home, noting that the impact of a short-term let on residential amenity is the same whether the structure is existing or new build. In this regard, they request that such uses be restricted by condition in the event of a grant of permission.

9.2.25. There is no evidence within the appeal documentation to suggest that the extended cottage would be used as a holiday home or short-term letting and there are no provisions under Section 26.5.1 or elsewhere in the Development Plan to restrict such use by condition. In any event, the use of a house or part of a house for short term letting purposes is a material change of use under Section 3A of the Act and therefore would require the express grant of planning permission. I do, however, recommend that a condition be applied to ensure the extension is jointly occupied with the cottage.

Conclusion on Land Use and Development Principle

9.2.26. On balance, I am satisfied that the proposed extension to the cottage, which has not been abandoned, is entirely acceptable from a land use and development principle.

9.3. Traffic / Transport Issues

9.3.1. The appellant, as noted, raises concerns regarding the access arrangements and in particular the sightlines, suggesting that it would exacerbate collision risk given the

road alignment. Concerns are also raised in relation to intensification of traffic movements given their claim that the residential use of the property is now abandoned.

- 9.3.2. The applicant, on the other hand, notes that the sightlines are measured from a set-back point at the carriageway and refers to consent from the adjoining landowner to the east. They also highlight the planning authority's conclusion that the access would not constitute a traffic hazard nor result in an intensification of traffic movements etc.

General Arrangements

- 9.3.3. The site layout drawing illustrates sightlines of 3 by 75 metres to the west and 3 by 120 metres to the east. The latter requires a section of stone wall to be set back marginally and consent for same was submitted with the application documentation.
- 9.3.4. The laneway from the access point to the cottage is roughly 180 metres long and follows the same general alignment as illustrated on historical mapping for the site. Whilst the laneway was overgrown at the time of inspection, I did observe it to be underlain with hardcore, and this reflects historical aerial and street view imagery.

Consideration of the Issues

- 9.3.5. Notes on the layout drawing indicate that the sightlines accord with Table 33.8 of the Plan. Table 33.8 sets out Y-distances of 120, 90 and 70 metres for design speeds of 70, 60 and 50kph respectively. Section 33.9.1 of the Plan notes that sight distances are measured from the access point to the near-side edge of the carriageway in accordance with the TII Publications Standards DN-GEO-03031 and DN-GEO-03060.
- 9.3.6. Table 1.2 of DN-GEO-03031 notes that a speed limit of 60kph corresponds to a design speed of 70kph and therefore the applicable Y-distance is 120m according to the Development Plan. This corresponds to the desirable minimum stopping sight distance as set out in Table 1.3 of DN-GEO-03031, albeit subject to relaxations i.e., 90 metres and 70 metres, one and two steps below desirable minimum respectively.
- 9.3.7. Section 5.6.2.2 of DN-GEO-03060 relates to minor roads and direct accesses. It states that the distance back along the direct access from which the full visibility is measured is known as the X-distance and notes that it is measured back along the centreline of the direct access from the continuation of the line of the nearside edge of the paved surface of the major road, in this case the L7518 where a 60kph speed limit

applies. DN-GEO-03060 also provides that in difficult circumstances the X-distance may be taken as a relaxation as provided in Table 5.4 i.e., 2 metres for local roads.

- 9.3.8. Having regard to the above, I am unpersuaded by the appellant's suggestion that the X-distance should be set further back within the appeal site boundary and, on balance, I agree with the planning authority that the proposal will not constitute a traffic hazard given the road alignment on approach from the west and improvements to the east.
- 9.3.9. Whilst concerns were also raised regarding the intensification of traffic movements to and from the site, and I do accept that the access has been dormant to residential use, for the reasons outlined above it must follow that the access has similarly not been abandoned. I do, however, recommend that the eastern sightline, as illustrated on the layout drawing, be conditioned which is a departure from normal extension proposals.

Conclusion on Traffic / Transport Issues

- 9.3.10. On balance, I do not consider that the proposed development would endanger public safety by reason of a traffic hazard. If the Commission are minded to grant permission, I recommend the eastern sightline be conditioned as detailed on the layout drawing and implemented prior to the commencement of any other site development works.

9.4. Amenity Impacts

- 9.4.1. As noted, visual amenity concerns were raised in the context of the scale of the extension and specific residential amenity concerns were identified in terms of privacy.

Residential Amenity

- 9.4.2. The appellant submits that the proposal, which they classify as backland development, would have a serious impact in terms of noise, disturbance and enjoyment of their privacy, including those impacts derived from vehicular and pedestrian movement.
- 9.4.3. The applicant, on the other hand, states that there is no basis to displace the planning authority's conclusion that the proposal would not cause unacceptable impacts on neighbouring amenity. They also dispute the claim that the cottage is on backlands.
- 9.4.4. Given the historical context of the site and cottage, which predate the roadside development along the northern boundary, I do not consider it can be accurately described as backland development. Were it a greenfield site I may have considered it otherwise but that is not the case. Moreover, given the separation distances and the

fact that the proposed extension is located to the rear of the cottage, I do not consider there will be any adverse impact on residential amenities of the neighbouring properties by reason of overshadowing, overlooking or overbearance. Whilst the appellant will experience some level of noise from associated traffic movements, it will be no greater than that currently experienced from existing neighbours. In this regard, I note that a parallel lane currently serves a residential property immediately east.

Visual Amenity

- 9.4.5. In terms of visual amenity, the applicant notes that there would be no impact on protected views at this location and the proposal is otherwise sensitively designed.
- 9.4.6. The entire Sligo shoreline, including that adjoining the southern site boundary, is designated as a Visually Vulnerable Area in the Plan and the adjacent road is a Scenic Route. As noted above, I am satisfied that the proposal has been sensitively designed and can be generally considered subordinate given its limited views from the public road. Subject to retention of existing trees and hedgerows, I am fully satisfied that the proposal can adequately assimilate into the site and integrate with the existing cottage.
- 9.4.7. Given the location, public views are extremely limited, including from the southern shore of Ballysadare Bay. I am thus satisfied that there will be no impact on landscape character or on the adjacent Scenic Route. External finishes should be conditioned.

Conclusion on Amenity Impacts

- 9.4.8. On balance, I do not consider that the proposal will adversely impact on the residential or visual amenities of the area. In addition to the above conditions, I recommend the use of the garage be restricted to purposes incidental to the enjoyment of the dwelling.

9.5. Other Issues

- 9.5.1. Amongst the other issues raised are concerns in relation to archaeology, ecology and the environment. Specific concerns regarding potential impacts on Ballysadare Bay SAC and SPA are addressed in section 10 below, whereas public health is noted here.

Archaeological Impacts

- 9.5.2. The appellant submits that permission should be refused on archaeological grounds, stating that redesign through mitigation is unacceptable. They also allege that unauthorised ground works took place within the archaeological zone of notification.

- 9.5.3. The applicant, on the other hand, states that archaeology was fully addressed in the submitted AIA, adding that the proposal provides for retention of historic dry-stone walling, erection of a site boundary along the access and installation and maintenance of that boundary under archaeological supervision prior to commencement of works.
- 9.5.4. Whilst I note a recorded monument (Ringfort) (SMR ref. SL020-034----) located on the appeal site, I am inclined to agree with the applicant that this has been fully addressed in the AIA, and in particular, on review by the National Monument Service (NMS), the prescribed body for such matters. Their submission on the application notes the possibility for archaeological remains to be encountered and disturbed during construction works and, in this regard, they recommend pre-development testing be carried out in addition to a 15-metre buffer zone around the monument. I recommend that such conditions be attached if the Commission are minded to grant permission.
- 9.5.5. Allegations in relation to unauthorised ground works is a matter for the planning authority under Part VIII of the Act or the NMS under the National Monuments Acts.

Ecological Impacts

- 9.5.6. I note the various concerns raised by the appellant regarding the efficacy of the submitted ecological information, including the NIS and bat survey. Particular concerns relate to alleged works carried out between October 2022 and the date of the surveys and it is therefore suggested that the baseline and conclusions are invalid.
- 9.5.7. As noted, the Commission has no role in the enforcement of planning control and having regard to my site visit, I am unconvinced that the ecological baseline of the site has been significantly altered. Having regard to the concerns raised in relation to bats, and considering that in the context of policy P-BD-8, I recommend that a pre-commencement bat survey be undertaken prior to any demolition of the outbuildings.

Public Health

- 9.5.8. Whilst not expressly raised by the appellant, the applicant submits that there is no basis for any suggestion that the proposal would be prejudicial to public health. Having reviewed the SCR, I recommend a standard DWWTS condition in the event of a grant.

Conclusion on Other Issues

- 9.5.9. The above assessment represents my *de novo* consideration of all planning issues material to the proposed cottage extension and new DWWTS at the appeal site.

10.0 Appropriate Assessment

10.1. Introduction

10.1.1. The planning application is accompanied by a NIS which was prepared by Coyle Environmental (November 2025). It incorporates an appropriate assessment (AA) screening (Section 4). The screening considers 16 no. European sites within the potential zone of influence (Zol) of the proposed works; 9 no. SACs and 7 no. SPAs.

10.1.2. The SACs and SPAs identified (and the stated distances) are:

- Ballysadare Bay SAC (0.10km)
- Unshin River SAC (3.10km)
- Union Wood SAC (4.73km)
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (4.97km)
- Lough Gill SAC (6.70km)
- Knockalongy and Knockachree Cliffs SAC (11.92km)
- Ox Mountains Bogs SAC (12.57km)
- Templehouse and Cloonacleigha Loughs SAC (12.65km)
- Ben Bulbin, Gleniff and Glenade Complex SAC (13.21km)
- Ballysadare Bay SPA (0.10km)
- Cummeen Strand SPA (4.97km)
- Drumcliff Bay SPA (9.39km)
- Ballintemple and Ballygilgan SPA (11.85km)
- Sligo/Leitrim Uplands SPA (12.29km)
- Ardboline Island and Horse Island SPA (14.54km)
- Aughris Head SPA (14.98km)

10.1.3. Having regard to the nature of the proposal, the receiving environment and the source-pathway-receptor (S-P-R) model, I consider this an extremely conservative approach.

10.1.4. Noting the direct hydrological and ecological link to Ballysadare Bay, Section 4.7 of the NIS sets out the following screening conclusion:

“The proposed development is not directly connected with or necessary to the nature conservation management of the designated site. Therefore, following the precautionary principal in consideration of likely significant effects on Ballysadare Bay SAC and Ballysadare Bay SPA in relation to the proposed development at Cartronabree, this project must proceed to the next stage of Appropriate Assessment, the Natura Impact Assessment.”

10.1.5. The subsequent NIS concludes that no significant adverse effects on the integrity of Natura 2000 protected sites will occur as a result of the proposal and the conservation status of the Annex I habitats and Annex II species of the SAC or SPA will not be compromised by the proposed development either directly, indirectly or cumulatively.

10.2. Stage 1 – Screening

10.2.1. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on any of the designated European sites. I have carried out a full screening determination for the development and it is attached to this report (Appendix 3). For completeness, the 6 no. sites included in the screening exercise are as follows:

- Ballysadare Bay SAC (000622) – 0km (adjoins southern site boundary)
- Unshin River SAC (001898) – c. 3km southeast
- Union Wood SAC (000638) – c. 4.7km southeast
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) – c. 4.8km north
- Ballysadare Bay SPA (004129) – 0km (overlaps southern site boundary)
- Cummeen Strand SPA (004035) – c. 4.8km north

10.2.2. As noted, the applicant's inclusion of an additional 10 no. European sites represents an extremely conservative approach. For example, Ben Bulbin, Gleniff and Glenade Complex SAC, at a stated distance of 13.21km, was included but it has no conceivable S-P-R connectivity to the appeal site. A similar approach is adopted for Ox Mountains Bogs SAC and other European sites outside a 5km radius in establishing the

appropriate Zol. This is due to the limited scope of the works involved in this case. For similar reasons it is unlikely to impact on bird species associated with SPAs outside a 5km radius would be impacted upon, irrespective of their foraging distances.

10.2.3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Ballysadare Bay SAC and Ballysadare Bay SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

10.2.4. An appropriate assessment is required on the basis of the effects of the project alone and therefore AA (Stage 2) under Section 177V of the Planning Act 2000, is required.

10.3. **Stage 2 – Appropriate Assessment**

10.3.1. The following is a summary of the objective scientific assessment of the implications of the proposal on the QI / SCI features of the abovementioned European sites using the best scientific knowledge in the field. All aspects of the proposed development which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Relevant European Sites

10.3.2. In the absence of mitigation, potential for significant effects could not be excluded for:

- Ballysadare Bay SAC (Site Code 000622)
- Ballysadare Bay SPA (Site Code 004129)

10.3.3. A description of the sites, their conservation objectives and QI's or SCI's, including relevant attributes and targets, are set out in the NIS. I have also reviewed the conservation objectives listed for the site on the NPWS website (www.npws.ie).

10.3.4. Tables AA1 and AA2 (Appendix 3) summarise the information considered for the appropriate assessment and the site integrity test. This information has been compiled from the information contained in the NIS as well as information from the NPWS.

10.4. **Mitigation Measures**

10.4.1. The mitigation measures are set out in Section 6 of the NIS and include measures in relation to the management of construction waste and soil, protection of water quality

and management of pollutants, noise pollution control, the protection of terrestrial habitats and features etc., which are summarised in Table AA1 of Appendix 3 below.

Appropriate Assessment Conclusion: Integrity Test

- 10.4.2. In screening the need for appropriate assessment, it was determined that the proposed development could result in significant effects on the Ballysadare Bay SAC and Ballysadare Bay SPA in view of the conservation objectives of those sites and that appropriate assessment under the provisions of Section 177U was required.
- 10.4.3. Following an examination, analysis and evaluation of the NIS, all associated material submitted, and taking into account observations / submissions on nature conservation, I consider that adverse effects on site integrity of Ballysadare Bay SAC and Ballysadare Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 10.4.4. This conclusion is based on:
- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European sites within a zone of influence of the application site.
 - Consideration of the conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
 - Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
 - Consideration and assessment of in-combination effects with other plans and projects, including those specifically referred to by the applicant.
- 10.4.5. I therefore conclude that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of any European sites, in view of those site's conservation objectives. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of these European sites.

11.0 Water Framework Directive

- 11.1. A screening for the purposes of the Water Framework Directive (WFD) has also been carried out. On the basis of objective information, I conclude that the proposal will not

result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 4).

12.0 Recommendation

12.1. I recommend that permission be **granted** for the reasons and considerations below.

13.0 Reasons and Considerations

13.1. Having regard to the provisions of Sligo County Development Plan 2024-2030, the location, nature and scale of the proposal in the context of the appeal site and surrounding area, and the prevailing pattern and character of development in this area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would provide an acceptable standard of amenity for future occupants, and would not be prejudicial to traffic safety or public health, would not adversely impact on the natural or cultural environment or give rise to significant effects on any European site, and would otherwise constitute an appropriate form of development in the rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 30th day of January 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. The mitigation and monitoring measures contained in the submitted Natura Impact Statement (NIS), shall be implemented. The developer shall appoint an Ecological Clerk of Works (ECoW) with appropriate experience to ensure the implementation of the mitigation measures within the timescales listed.

Reason: To protect the integrity of European sites.

3. (a) A 15-metre buffer zone around the monument must be delineated by agreement with the consultant archaeologist. A temporary fence shall be installed prior to construction to prevent inadvertent direct or indirect negative impact from construction related activity, such as passage of machinery. Should planting take place within this buffer zone only plants with shallow root systems should be chosen.

(b) The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out pre-development testing at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(c) The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(d) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.

(e) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage.

(f) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required, the Department of Housing, Local Government and Heritage will advise the Applicant/Developer with regard to these matters.

(g) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been

received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

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

Reason: In the interest of public health.

5. (a) The treatment plant and percolation area shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26th day of November 2025, as amended by the further plans and particulars received on the 30th day of January 2026, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the percolation area.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been

installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. (a) The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

(b) The (garage/shed/store) shall not be used for human habitation or for commercial purposes or for any purposes other than for purposes incidental to the enjoyment of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

7. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters (including a management response to prohibit the mobilisation / migration of invasive species such as Japanese Knotweed), site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of public health and environmental protection.

8. (a) Prior to the commencement of development (including demolition of outbuildings), a bat survey shall be undertaken by a bat specialist and submitted to, and agreed in writing with, the planning authority. Any demolition of structures or tree clearance that supports a new record of bat roost shall be carried out only under licence from the National Parks and Wildlife Service (NPWS) and details of such licence shall be submitted to the planning authority.

(b) All other mitigation measures detailed in the bat survey and NIS submitted to the planning authority on the 26th day of November 2025 shall be complied with, including those in relation to the provision of bird and bat boxes.

Reason: In the interest of wildlife protection.

9. Prior to the commencement of development, the developer shall provide a sightline of 3 metres by 120 metres in an easterly direction as detailed in the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 30th day of January 2026. A method statement for the setting back of the stone wall to the east of the access shall be submitted to and agreed in writing the planning authority in advance of the works.

Reason: In the interest of traffic safety.

10. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. All existing trees and hedgerows shall be retained and protected during construction as detailed in the NIS. Any trees or hedging which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and biodiversity.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Philip Maguire

Inspectorate

31st August 2026

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	PL-501016-SO-26
Proposed Development Summary	Alterations and additions to existing cottage, including DWWTS etc.
Development Address	Cartonabree Td., Kilmacowen, Strandhill, 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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)	

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

Inspector: _____ Date: _____

Appendix 2 (AA – Stage 1)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Alterations and additions to existing cottage, including DWWTS etc.
Brief description of development site characteristics and potential impact mechanisms	Site situated on the northern shore of Ballysadare Bay and within a landholding that extends to the HWM (as illustrated in blue). Rectangular shaped, 1.5ha plot with existing cottage and outbuildings. Gently sloping from c. 9.50mAOD (northern boundary) to c. 3mAOD at the shore, albeit more pronounced at the shore. Site boundaries are defined by timber fencing, trees and hedgerow. A spring rises towards the eastern site boundary and adjacent to a recorded monument (Ringfort). The spring flows via stream to the shore. No other surface or groundwater vectors evident. Habitats classified as Dry Meadows (GS2); Buildings and Artificial Surfaces (BL3); Stone Walls and Other Stonework (BL1); Hedgerows (WL1); Treelines (WL2). The development is likely to involve the removal of excavated soils, boulder clay, rock / bedrock and vegetation. Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated during the build. Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature. Connection to the DWWTS is dependent on ground conditions and separation distances so as to ensure the protection of receiving ground and surface waters.
Screening report	Yes – Coyle Environmental (November 2025)
Natura Impact Statement	As above
Relevant submissions	As summarised in section 8.1 (Environment) of IR.
Additional information	Sligo Co. Council accepted the NIS findings. I note that the application was referred to NMS and NPWS via DHLGH (DAU) no objections were received by the planning authority.

Step 2: Identification of relevant European sites using the Source-Pathway-Receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Ballysadare Bay SAC (000622)	Marine, coastal and grassland habitats Narrow-mouthed Whorl snail Harbour Seal Conservation Objectives Link (NPWS, 2013)	0km / adjoins southern site boundary	Yes – direct hydrological and ecological links.	Y
Ballysadare Bay SPA (004129)	Wintering water birds (5x species) Wetland and waterbirds Conservation Objectives Link (NPWS, 2013)	0km / marginally overlaps southern site boundary	Yes – as above and potential temporary disturbance / noise impacts.	Y
Unshin River SAC (001898)	Freshwater habitat Natural and semi-natural grassland formations Alluvial forests Salmon Otter Conservation Objectives Link (NPWS, 2021)	c. 3km southeast of appeal site	No direct or indirect connection i.e., no downstream surface / ground water or other vectors and no relevant mobile conservation interests associated with this SAC.	N

Union Wood SAC (000638)	Old sessile oak woods Conservation Objectives Link (NPWS, 2021)	c. 4.7km southeast of appeal site	No direct or indirect connection i.e., no downstream surface / ground water or other vectors and no mobile conservation interests associated with this SAC.	N
Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627)	Marine, coastal and grassland habitats Petrifying springs Narrow-mouthed Whorl snail Sea Lamprey River Lamprey Harbour Seal Conservation Objectives Link (NPWS, 2024)	c. 4.8km north of appeal site	No direct or indirect connection i.e., no downstream surface / ground water or other vectors and no relevant mobile conservation interests associated with this SAC.	N
Cummeen Strand SPA (004035)	Wintering water birds (3x species) Wetland and waterbirds Conservation Objectives Link (NPWS, 2013)	c. 4.8km north of appeal site	No – no downstream hydrological connection – the SPA is sufficiently remote to avoid disturbance during construction and unsuitable for roosting or foraging.	N

¹Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

²Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Further Commentary / Discussion

All Conservation Objective links are up to date at the time of writing and have been cross-referenced against the Statutory Instruments, where relevant.

Due to the limited scope of the works and the nature of the appeal site, I consider that the development proposed is unlikely to generate impacts that could extend to a large geographical area, thus a potential zone of influence (Zol) limited to c. 5km is reasonable and notwithstanding the 15km utilised in Section 4.5 of the submitted NIS.

Sources of impact and likely significant effects are considered in the Table below.

Step 3: Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests *priority habitat	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Ballysadare Bay SAC (000622) Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1014] Harbour Seal <i>Phoca vitulina</i> [1365] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] *Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]	Direct: none. Indirect: Localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water (overland or via spring stream along eastern boundary) during construction phase. Lower-scale magnitude impacts from emissions to ground and surface water during operation but these will be largely localized.	A deterioration in the water quality associated with an inadvertent release of sediment or spillages of hydrocarbons and/or other chemicals during construction and operational phases has the potential to cause damage to the habitats dependent on water quality. Deterioration / disturbance of habitat in designated areas during the operational phase. An impact of sufficient magnitude could, however, undermine the sites conservation objectives.

	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? N/a	
	Impacts	Effects
Ballysadare Bay SPA (004129) Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A046] Grey Plover <i>Pluvialis squatarola</i> [A141] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed Godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Wetland and Waterbirds [A999]	Direct: none. Indirect: As above.	As above – with the addition of disturbance to protected bird species within the SPA from noise pollution during construction works. An impact of sufficient magnitude could, however, undermine the sites conservation objectives.
	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? N/a	
Further Commentary / discussion (only where necessary)		
The applicant has submitted an NIS to assist with this screening. As above, it considered that all identified sites, except for Ballysadare Bay SAC and Ballysadare Bay SPA, can be excluded from the remainder of the process. Whilst it notes that the proposal is not directly connected with or necessary to the nature conservation management of the designated sites, following the precautionary principal in consideration of likely significant effects on the SAC and SPA, it states that the project must proceed to the next stage of AA.		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, my site inspection, review 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 Ballysadare Bay SAC and Ballysadare Bay SPA in view of those sites conservation objectives.

I concur with the NIS that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and in-situ disturbance on QI habitats and species.

Screening Determination

Finding of potential significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Ballysadare Bay SAC and Ballysadare Bay SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appendix 3 (AA – Stage 2)

Appropriate Assessment
The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177V [or S 177AE] 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 car park development in view of the relevant conservation objectives of Ballysadare Bay SAC and Ballysadare Bay SPA based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation. The information relied upon includes the following: • NIS (Coyle Environmental, November 2025) • Site Characterisation Report (Michael Melody, August 2025) I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations Area Engineer – no objection Environment Section – no objection DAU-NMS – no objection Public observations – as summarised in section 4.4 of IR.

Table AA1 – Ballysadare Bay SAC (Site Code 000622) Summary of Key issues that could give rise to adverse effects (from screening stage): Water quality degradation (construction and operation)			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant – summary)	Potential adverse effects	Mitigation measures (summary)
Estuaries [1130]	To maintain the favourable conservation condition. Habitat area – the permanent habitat area is stable or increasing, subject to natural processes. Community extent – maintain the extent of the <i>Zostera</i>-dominated community, subject to natural processes. Community structure [<i>Zostera</i> density] – conserve the high quality of the <i>Zostera</i>-dominated community, subject to natural processes. Community distribution – conserve marine community types in a natural condition including: Muddy sand to sand with <i>Hediste diversicolor</i>, <i>Corophium volutator</i> and <i>Peringia ulvae</i> community complex;	Applies to all Conservation Objectives listed opposite: Water quality degradation and/or alteration of habitat (from release of silt and sediment during site works and release of construction / maintenance related compounds including hydrocarbons to surface waters) would undermine conservation objectives.	Mitigation measures are detailed in Section 6 of the NIS and relate to: • General Good Practice and Initial Works • Timing of Works • Management of Construction Waste and Soil • Protection of Water Quality and Management of Pollutants • Noise Pollution Control • Protection of Terrestrial Habitats and Features • Biodiversity Management and Enhancement

	and Sand with bivalves, nematodes and crustaceans community complex.		
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain favourable conservation condition. Habitat area – as above. Community extent – as above. Community structure [<i>Zostera</i> density] – as above. Community distribution – conserve marine community types in a natural condition including: Muddy sand to sand with <i>Hediste diversicolor</i>, <i>Corophium volutator</i> and <i>Peringia ulvae</i> community complex.		
Embryonic shifting dunes [2110]	To maintain favourable conservation condition. Habitat area – area stable or increasing, subject to natural processes, including erosion and succession. For sub-site mapped: Strandhill - 1.08ha.	Applies to all Conservation Objectives for the QIs listed opposite: These habitats, as mapped, are not present within or adjacent to the appeal site. There will be no loss or fragmentation of these habitats within the SAC, and significant effects upon them can be ruled out.	None required nor listed in NIS.
Shifting dunes along the shoreline with	To restore favourable conservation condition.		

<i>Ammophila arenaria</i> (white dunes) [2120]	Habitat area – area stable or increasing, subject to natural processes including erosion and succession. For subsite mapped: Strandhill - 5.47ha.		
*Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore favourable conservation condition. Habitat area – area stable or increasing, subject to natural processes including erosion and succession. For subsite mapped: Strandhill - 56.07ha.		
Humid dune slacks [2190]	To restore favourable conservation condition. Habitat area – area stable or increasing, subject to natural processes including erosion and succession. For subsite mapped: Strandhill - 1.83ha.		
Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1014]	To maintain favourable conservation condition. Distribution: occupied sites – no decline. There is one known location for this species in this SAC (which overlaps two 1km squares).	Applies to all Conservation Objectives for the QIs listed opposite: These species, as mapped, are not present within or adjacent to the appeal site. There will be no loss or fragmentation of these species' habitat	None required nor listed in NIS.

Harbour Seal <i>Phoca vitulina</i> [1365]	To maintain favourable conservation condition. Access to suitable habitat - species range within the site should not be restricted by artificial barriers to site use. Disturbance – human activities should occur at levels that do not adversely affect the harbour seal population at the site	or disturbance to the species within the SAC, and significant effects upon them can be ruled out.	
Assessment of issues that could give rise to adverse effects: Water quality degradation Water quality of the SAC insofar as it relates to the Ballysadare Estuary transitional waterbody is classified as ‘moderate’ for the 2019 to 2024 WFD monitoring period and ‘at risk’ with regards meeting the relevant WFD objectives by 2027. Good quality water is necessary to maintain the Annex I marine and coastal habitats associated with this SAC. Water quality degradation is the main risk from unmanaged site works during the construction phase, and particularly overland given the proximity, or in the vicinity of the spring stream, where silt laden surface water could reach Ballysadare Estuary, which, as noted, is ‘at risk’ of failing to meet the relevant WFD waterbody objectives by 2027. Further decrease in water quality would compromise conservation objectives for these habitats and increase sedimentation could alter habitat quality for dwarf eelgrass <i>Zostera nolti</i> in particular which dominates the adjacent community. Similar adverse impacts on water quality derived from accidental spillage of contaminating substances, including hydrocarbons, or indeed mobilisation or migration of pre-existing contaminants, including during decommissioning of the existing septic tank, are also possible. During the operational phase there is also the potential for surface water / storm water run-off from the development site to be contaminated with hydrocarbons (e.g. from vehicles) or to a lesser degree to be contaminated with dirt and debris from hardstanding areas.			

Mitigation measures and conditions

The focus of mitigation measures proposed are to prevent ingress of pollutants and silt / contaminants into the receiving surface and ground waters.

Specific measures can be summarised as follows:

- General Good Practice and Initial Works:
 - Contractor to be made aware of site sensitivities upon appointment and the mitigation measure required to protect habitats, ground and surface water quality from initial works to completion.
 - Biosecurity measures for equipment and machinery used on site i.e., power washed, disinfected etc.

Adherence to industry best practice i.e., CIRIA C692 *Environmental Good Practice on Site* (2005), CIRIA C532 *Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors* (2001), IFI Guidelines on protection of fisheries during construction works in and adjacent to waters (2016) etc.
- Timing of Works
 - Works involving the use of heavy machinery should be permitted between April and October.
- Management of Construction Waste and Soil
 - All construction waste removed from site by a registered contractor to a registered site with evidence retained for local authority on request.
 - Applicants / contractors responsible for the safe removal of any construction waste with no disposal in any designated site.
 - All topsoil generated from site works should be stored at appropriate locations within the site until required for landscaping i.e., to the northwest, away from watercourses and the southern boundary and not used for the infilling of any area outside of the site.
 - If there is more topsoil than is needed for landscaping, it must be removed from site by a registered contractor etc.
 - Quarries supplying material should provide confirmation that material provided is free of non-native invasive species and noxious weeds.

- Protection of Water Quality and Management of Pollutants
 - Efficient construction practices and sequences in order to minimise soil erosion and potential pollution of watercourses with soil / sediment.
 - Avoidance of works during periods of heavy rainfall.
 - Implementation of strict controls of erosion, sediment generation and other pollutants associated, including the provision of attenuation measures, silt traps or geotextile curtains to reduce and intercept sediment release into any local watercourses.
 - Silt fences and berms installed prior to the commencement of construction between the works and the stream and southern boundary.
 - Daily monitoring of the silt fences to ensure that they remain functional throughout construction with maintenance carried out regularly and inspected thoroughly after periods of heavy rainfall.
 - Employment of best practice concrete / aggregate management measures on site including bulk-liquid concrete management i.e., pouring and handling, secure shuttering, adequate curing times etc.; stockpile areas for sands and gravel >50m away from the drains; dampening of activities which result in the creation of cement dust; removal of raw and uncured waste concrete from the site etc.
 - Daily plant inspections by all plant operators on site to ensure that all plant is maintained in good working order; where leaks are noted on these inspection sheets, the plant must be removed from operations for repairs as pollution control measures.
 - No refuelling of plant equipment or vehicles should be conducted onsite.
 - Staff must be provided with training on spill control and the use of spill kits.
- Noise Pollution Control
 - Plant and tools used on-site must comply with the relevant Irish regulations in relation to noise and vibration requirements and recommended that all equipment are newer models equipped with noise dampening systems and maintained in good condition etc.
 - Site management must also ensure that each item of plant and equipment complies with the noise limits quoted in the relevant European Commission Directive 2000/14/EC i.e., fitted with appropriate mufflers or silencers of the type recommended by the manufacturer etc.
 - Only equipment that has been designed for that task should be used and all equipment should be shut down when not being used.

- **Protection of Terrestrial Habitats and Features**

- Incorporation of treelines and hedgerows into the development insofar as possible and erection of protective barrier fencing prior to the commencement of site clearance works in order to prevent damage to treelines / hedgerows that are to be retained.
- Erection of fencing just beyond the crown of the largest tree, and this will incorporate the Root Protection Zone (RPA) of the trees to be retained; no dumping or storage of construction waste or machinery in this zone during construction.
- Routing of underground services away from RPAs of trees to be retained; where this is not practical the services should be installed under any significant tree roots into trenches excavated by compressed air lance (Airscape) or other approved tree root friendly systems etc.
- All exposed roots and/or soil profiles containing roots of trees to be retained should be kept damp in dry conditions by regular watering and by covering with a double layer of hessian fabric to prevent desiccation; backfill should be of good quality topsoil, soil or clean sand.
- Where machinery access has to encroach the RPAs of the trees to be retained for reasons unforeseen and unavoidable; suitable ground protection should be put in place to prevent any significant soil compaction or root damage near the trees; this should take the form of suitable strength ground protection mats or cellular confinement system capable of supporting the appropriate weight.
- Where it is deemed necessary to remove any tree, it must only be done outside of the bird nesting season (March – August).

- **Biodiversity Management and Enhancement**

- Lighting shall be controlled to avoid light pollution of green areas and shall be targeted to areas of human activity and for priority security areas i.e., motion-activated sensor lighting is preferable to reduce light pollution; Lighting shall be directed downwards and shall not illuminate vegetation; all luminaires shall be LED and use warm white spectrum (ideally <2700 Kelvin) to reduce blue light component etc.
- It is recommended that Irish provenance native planting is used in the landscaping.
- Grassland habitat should be managed as a meadow habitat which should include lack of fertilisation with a low frequency cutting regime in late summer. Following mowing, it is recommended that the grass is left for two days for seed to fall before being removed for composting.

- Recommended that bat and bird boxes be incorporated into the development following guidelines from Bird Watch Ireland and Bat Conservation Ireland on suitable placement.

I am satisfied that the measures which are mainly aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected marine and coastal habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. I recommend that these measures are integrated into a CEMP by way of condition in the event of a grant of permission, in addition to the appointment of an ECoW.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS (Section 5.7.5). I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

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 satisfied that adverse effects arising from the proposed development can be excluded for the **Ballysadare Bay SAC**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction and operational related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects, including avoidance of works during heavy periods of rainfall, have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation Objectives for the **Ballysadare Bay SAC**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Table AA2 – Ballysadare Bay SPA (Site Code 004129) Summary of Key issues that could give rise to adverse effects (from screening stage): Water quality degradation and disturbance (construction and operation)			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant – summary)	Potential adverse effects	Mitigation measures (summary)
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	Applies to all QI's listed opposite: To maintain the favourable conservation condition Population trend – long term population trend stable or increasing. Distribution – no significant decrease in the range, timing or intensity of use of areas by the listed bird species, other than that occurring from natural patterns of variation.	Water quality degradation and/or alteration of habitat (as above) and disturbance.	Mitigation measures are detailed in Section 6 of the NIS (as above).
Grey Plover (<i>Pluvialis squatarola</i>) [A141]			
Dunlin (<i>Calidris alpina</i>) [A149]			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]			
Redshank (<i>Tringa totanus</i>) [A162]			
Wetland and Waterbirds [A999]			

Assessment of issues that could give rise to adverse effects:

Water quality degradation

As above for SAC. Maintenance of good water quality is required to maintain favourable conservation condition for waterbirds and wetlands.

Disturbance

Construction works will involve the use of heavy machinery, which has the potential to cause a noise disturbance to bird species in the adjacent SPA.

Mitigation measures and conditions

As above with the addition of:

- Timing of Works
 - Disturbance during the winter months, when wintering waterfowl, including Light-bellied Brent Goose, are feeding up after migration and in preparation for the next breeding year must be avoided wherever possible.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS (Section 5.7.5). I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

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 Ballysadare Bay SAC and Ballysadare SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of Section 177U was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of Ballysadare SAC and Ballysadare SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European sites within a zone of influence of the application site.
- Consideration of the conservation objectives and conservation status of Qualifying Interest / Special Conservation Interest habitats and species.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration and assessment of in-combination effects with other plans and projects, including those specifically referred to by the appellant.

Appendix 4 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref.	PL-501016-SO-26	Townland, address	Cartonabree Td., Kilmacowen, Strandhill, Co. Sligo
Description of project		Alterations and additions to existing cottage, including DWWTS etc.	
Brief site description, relevant to WFD Screening		Rectangular shaped, 1.5ha plot with existing cottage and outbuildings on shore of Ballysadare Bay. Gently sloping from c. 9.50mAOD (northern boundary) to c. 3mAOD at the shore, albeit more pronounced at the shore. A spring rises towards the eastern site boundary and adjacent to a recorded monument (Ringfort). The spring flows via stream to the shore. No other surface or groundwater vectors evident.	
Proposed surface water details		‘Soakpit’ ticked in Q. 20 of the Application Form.	
Proposed water supply source & available capacity		‘New’ ‘Public Mains’ ticked in Q. 20 of the Application Form.	
Proposed wastewater treatment system & available capacity, other issues		‘New’ ‘Other on-site treatment system’ ticked in Q. 20 of the Application Form. Specified as: <i>Secondary Treatment System and soil polishing filter with Packaged Intermittent Filter Modules</i>	
Others?		N/a	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
Transitional Waterbody	0m south / adjoining site	Ballysadare Estuary IE_WE_460_030 0	Moderate	At risk	Ag, UWW	Yes – overland pathway given proximity to HWM / surface runoff and drainage / spring stream.
Groundwater Waterbody	Underlying site	Carrowmore West IE_WE_G_0040	Good	Not at risk	None identified	Yes – free draining sandy silt / clay and gravelly silt and small to large cobbles in the trial hole as detailed in the Site Characterisation Report / also via existing septic tank

Step 2: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Transitional	Ballysadare Estuary IE_WE_460_0300	Existing / New – via runoff, drainage / spring stream given proximity.	Siltation, pH (Concrete), hydrocarbon spillages.	As set out in Section 6 of NIS (protection of water quality) / CEMP condition.	No	Screened out
2.	Ground	Carrowmore West IE_WE_G_0040	Existing – via septic tank which is to be decommissioned. New – via exposed soils i.e., foundation trenches and excavations.	As above.	As above.	No	Screened out

OPERATIONAL PHASE							
1.	Transitional	Ballysadare Estuary IE_WE_460_0300	New – tenuous via runoff that doesn't infiltrate from driveway and patio area / directed to soakpits.	Hydrocarbon spillages.	None required – minimal runoff anticipated / soakpits designed to BRE365 / standard surface water drainage condition.	No	Screened out
2.	Ground	Carrowmore West IE_WE_G_0040	New – infiltration of surface water from soakpits, patio area and driveway.	As above.	None required – as above.	No	Screened out
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A