



An
Coimisiún
Pleanála

Inspector's Report

PL-501084-SO-26

Development	Retention of a capped and plastered block wall 26 metres long, height varies from 1.25 metres to 3 metres high.
Location	Larass, Strandhill, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	26/60016
Applicant(s)	John & Lisa Monahan
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Áine Nic Amhlaidh
Observer(s)	None
Date of Site Inspection	12 th June 2026
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by Áine Nic Amhlaidh 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.
- 1.3. It should also be noted that there is a live referral case before the Commission under case reference ACP-323969-25, the subject matter of which is relevant to this appeal.

2.0 Site Location and Description

- 2.1. Located off and to the northern side of the R292, east of its junction with Burma Road (R277), the appeal site is situated to the northern periphery of Strandhill, Co. Sligo, some 1.3km east of the seafront promenade. The surrounding area is characterised by a cul-de-sac of residential properties overlooking Dorrins Strand and Sligo Bay. Sligo Rugby Club is located to the southeast and rolling agricultural land to the north. Knocknarea is visible to the south and Benbulbin over a longer distance to the north.
- 2.2. The appeal site has a stated area of 0.29 hectares and consists of a two-storey split-level over basement dwellinghouse with mono-pitch roof structure and contemporary finishes including weathered timber clad walls and a sedum roof. The detached garage, which is located immediately north of the access, has a similar mono-pitched, sedum roof with plaster to the external walls. The western boundary, adjacent to the garage, consists of a low stone wall and perpendicular wing walls. This boundary transitions in a northerly direction to a block wall with a plaster finish similar to the garage. This section of wall, some 26 metres long, supports two field gates which provide access to the agricultural lands to the west of the appeal site. The wall is stepped in three sections due to the localised fall in levels. The remainder of this boundary is defined by a two-metre-high fence with support struts on the site side.

3.0 Proposed Development

- 3.1. Planning permission is sought to retain the aforementioned 26-metre section of wall.

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

“A capped and plastered block wall 26 metres long. Height varies from 1.25 – 3 metres high. Wall is on western boundary of the existing house, the wooden fence that continues the western boundary has been reduced to 2 metres high.”

3.3. The supporting cover letter indicates that the application is due to two sections of the wall exceeding the exempted development height of 2 metres. It indicates that at its highest the wall is 3 metres but notes the majority of the wall is below 2 metres, adding that the 3-metre height was maintained at the lower area of ground for privacy in the likelihood that there will be houses built in the adjacent field given the recent rezoning.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 2nd March 2026 subject to 2 no. conditions, including:

Condition 2 (a) Within one month of the date of the grant of the subject permission, you shall submit for the written approval of the Planning Authority an elevational drawing of the block wall showing no part of the block exceeding 2m in height when measured from the western side of the wall.

Condition 2 (b) The works to lower the wall shall be completed within six months of the date of the grant of the subject permission.

4.2. Planning Authority Reports

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

Principle of Development

- Indicates that the boundary as constructed shall be assessed on the grounds of visual and residential amenities.

Visual and Residential Amenities

- Notes the new residential (nRES) zoning on lands to the west of the site and refers to Section 33.2.2 of the Development Plan in relation to the impact of development on its surroundings.

- Accepts the applicant's justification for the proposal in terms of privacy, adding that such boundaries are the norm in order to maintain levels of privacy but states that the overall height of such boundaries is in the range of 1.8 to 2 metres.
- Considers that the sections of the wall which exceed 2 metres in height are excessive and have an adverse impact on the visual amenities of the area.
- States that the sections of wall which exceed 2 metres in height would also have an adverse impact on the residential amenities of any potential residential development on the adjacent lands to the west.

Conclusion

- Considers that a 2-metre-high wall is sufficient to protect the residential amenities of the applicant's property from future residential development on adjacent lands.
- States that it shall be conditioned that no part of the wall shall exceed 2 metres in height when measured on the western side of the wall and works to lower the wall shall be completed within 6 months of the date of permission.

Reasons and Considerations

- Considers that the development, subject to conditions, is not injurious to the amenities of the area, does not have an adverse impact on the Natura network etc.
- Recommends that permission be granted on this basis.

4.2.2. Other Technical Reports

- Area Engineer (24/02/26) No objection subject to conditions.

4.3. **Prescribed Bodies**

None.

4.4. **Third Party Observations**

4.4.1. The planning authority received two observations. Issues raised reflect third-party appeal grounds. Concerns, as summarised from the Planner's Report, relate to:

- Proposal must be assessed against Plan policies, including landscape protection.
- Visual intrusion and landscape harm – views towards Sligo Bay / Benbulbin.
- Non-compliance with conditions of permission – Conditions 4 and 5.

- Privacy is not a sufficient planning justification.
- Agricultural / transitional zoning context – preservation of unfenced landscapes.
- Undesirable precedent / gradual erosion of rural character and scenic quality.
- Planning Authority is required to form and record a view as to environmental impact.
- Planning Authority is the competent authority under the Habitats Directive.
- Proposal must be assessed for compliance with the Water Framework Directive.

5.0 Planning History

5.1. Appeal Site

5.1.1. PA ref. 19/218 – in August 2019, the planning authority granted permission for a dwelling, garage and domestic wastewater treatment system (DWWTS) etc. This permission was subsequently amended in August 2021 under PA ref. 21/182. It authorised generally minor changes to the parent permission including retention of new / revised window and rooflight positions / sizes, and alterations to the size of the permitted garage, as well as a new flue, changes to the outdoor covered area (east elevation), new covered area (west elevation) and new stone wall at the site entrance.

5.1.2. PA ref. ED610 – in November 2025, a Section 5 declaration issued as follows:

- The “new height of the development is 10.5m, according to the planner’s report, the height limit is 9.5m”.

This is not development as the site was surveyed on the 11/08/2020 and it was concluded that the overall height of the dwelling was compliant with the planning permission granted on site. Refer to ENF2701.

- The house built is not the ‘split level two storey and single storey’ planning application appraised by the planners.

The alterations to the house design constitutes ‘development’, however this issue was resolved under PL21/182, retention permission granted for a development consisting of the addition of a new window on ground floor, alterations to window size and positions, alterations to rooflight dimensions and a reduction in the height and width of the garage from that permitted under planning application PL19/218.

- The “boundary wall and wooden fence”.

Constitutes ‘development’ and does NOT constitute ‘exempted development’ for the following reason:

The overall height of the wall exceeds 2m.

- The lower end of the site and the neighbouring site were raised by the importation of hundreds of tonnes of soil and fill to absorb the lake which appeared following the construction of the septic tank.

The deposition of soil would constitute ‘development’; however the soil was imported to raise the ground at the location of the percolation area, and the works are therefore in accordance with the permission granted on site under PL19/218.

- Excavated materials, soil and rocks were disposed of into the fields surrounding this site development?

The deposition of soil would constitute ‘development’, however there is no evidence in the subject application that this occurred, it was not evident on inspection of the site, and the issue was not raised by any of the adjoining landowners.

- The import of hundreds of tonnes of fill and soil classified development, this was done to fill the lake that opened up at the bottom of the site upon completion of the roof following heavy rain, changing the levels of the land from 280OD and 290OD.

Constitutes ‘development’, however soil was imported to raise the ground at the location of percolation area, and the works are therefore in accordance with the permission granted on site under PL19/218.

As noted, this declaration has been referred to the Commission for review (ACP-323969-25). I note that a similar declaration issued in August 2025 under ref. ED591.

6.0 Policy Context

6.1. Sligo County Development Plan 2024-2030

- 6.1.1. The current Development Plan came into effect on 11th November 2024. The Plan 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 located within the development limit of Strandhill and thus subject to the provisions of Chapter 19 of the County Development Plan (Strandhill Village Plan). It is partly zoned 'eRES – existing residential areas' in the associated zoning map.
- 6.1.3. Section 10.5.3 of the Plan sets out the zoning objective for 'eRES – existing and infill residential use'. It seeks to protect and enhance the residential amenity of established areas and their communal or public open space and allow for small-scale infill development which is appropriate to the character and pattern in the immediate area.
- 6.1.4. The northern part of the site is zoned 'GB – green belt' with a zoning objective to contain and consolidate settlements, while safeguarding lands for their future expansion and for the provision of strategic infrastructure. I note that the lands to the west of the appeal site are zoned 'nRES – new residential areas' with an objective to promote the development of greenfield, infill lands etc. for high-quality residential uses.
- 6.1.5. Other relevant guidance is set out in Chapter 33 (Development Management Standards). Section 33.4.4 relates to site boundaries, albeit in a rural housing context.

6.2. Natural Heritage Designations

- 6.2.1. Nearest proposed Natural Heritage Areas (pNHAs):
- Cummeen Strand/Drumcliff Bay (Sligo Bay) pNHA (000627) – c. 0.50km north
- 6.2.2. Nearest Special Areas of Conservation (SACs) / Special Protection Areas (SPAs):
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) – c. 0.5km north
 - Cummeen Strand SPA (004035) – c. 0.5km north
 - Ballysadare Bay SAC (000622) – c. 1.5km southwest
 - Ballysadare Bay SPA (004129) – c. 1.5km southwest

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 Áine Nic Amhlaidh, summarised as follows:

Jurisdictional Bar

- Unauthorised disposal of waste into SAC and infilling of “lake” triggers need for AA.
- Entirety of unauthorised works must be assessed, not just the fence.
- Consent “after-the-fact” cannot be granted without prior AA.
- Section 34(12) of the Planning Act applies.

EPA Code of Practice / Breach of Public Health Standards

- Documented “ponding” proves drainage system failure.
- Granting retention is prejudicial to public health and contrary to policy P-INW-5.
- Alleges hydrological interference that threatens stability of boundary and viability of the local aquifer – high groundwater vulnerability.
- Alleges procedural impropriety.

Breach of NPF and Development Plan / Offences under Wildlife and Waste Acts

- Raises zoning concerns and suggests procedural irregularities with the permission.
- Wall is “visually discordant” in a Highly Visually Vulnerable Area.
- 60 metre solid barrier lacks “mammal passes” disrupting established badger routes.
- Lack of ecological impact assessment.
- Breach of Condition 4 of PA ref. 19/218 – removal of “ancient hedgerows”.
- Infilling of the SAC an offence under the Waste Management Acts.

Material Inaccuracy / Duty of “Proper Planning” / Procedural Error / Ultra Vires

- Cautions that the submitted drawing includes a 1-metre-high (9.5m v 10.5m) discrepancy and thus the permission is based on misleading data and legally infirm.
- Dwelling deviates significantly from its original permission and Council has failed to take enforcement action in relation to infilling.

- Refers to Article 23 of the Regulations.
- States that the removal of hedgerow (between March and August 2025) is a criminal offence and its replacement with a wall cannot be rewarded.
- Requests that permission be refused and enforcement proceedings initiated to restore the site to its original topography and ecological state.
- Permission would reward the falsification of building control records.

Project Splitting and Cumulative Impact

- Provides commentary on various case law in relation to project splitting¹ and states that the current proposal cannot be viewed in isolation of wider unauthorised works.
- States that any attempt to grant retention for the boundary works while ignoring unauthorised infilling of waste and drainage failure will be viewed as error in law.
- Failure to apply the precautionary principle as mandated by *Waddenzee* (Case C-127/02) where any reasonable scientific doubt exists regarding impacts on the karst aquifer or the SAC will result in application to the High Court to quash the decision.

8.2. Applicant Response

8.2.1. A response has been received from the applicant; it can be summarised as follows:

Scope of Application

- Proposal relates to domestic boundary treatment.
- Matters raised in relation to wastewater infrastructure; alleged site works; zoning; house design; and building control matters are outside the scope of application and not material to the assessment of the proposed boundary wall.

Absence of any Statutory Findings

- Notes that no enforcement action has been taken by the planning authority; no findings have been made by the EPA or any statutory authority; and no requirement for AA or EIA has been identified at any stage.

¹ *O’Grianna v An Bord Pleanála* [2014] IEHC 632
Daly v Kildronan Wind Farm [2017] IEHC 308
Commission v Ireland Case C-215/06
Sweetman v An Bord Pleanála [2023] IEHC 89
Coyne v An Bord Pleanála [2023] IEHC 412

- Assertions made in relation to environmental damage, waste disposal and public health are unsubstantiated and cannot be afforded weight.

Section 34(12)

- Contention that Section 34(12) applies is misplaced.
- Proposal comprises minor boundary treatment, is not AA or EIA development and is not demonstrated to be part of any project that would trigger such requirements.

Nature of Development

- Proposal generally compliant with exempted development i.e., majority is below 2 metres; limited exceedances at localised points from the stepped design response.
- Development generally compliant with minor and site-specific exceedances.

Visual Impact and Residential Amenity

- Wall and fence are consistent in form and finish with typical residential boundaries; no undue visual intrusion when viewed in context; and serves a clear function.

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.

8.3.2. In relation to other issues that were not raised during the processing of the application, the planning authority states the following:

Jurisdictional Bar

- Stated excavation of material is not relevant to the subject boundary wall.

EPA Code of Practice

- Proposal does not involve any discharge to the DWWTS.

Ecological Barrier

- Front section of site is zoned for housing which inevitably involves the construction of boundary walls to protect the residential amenity of each property.
- No evidence provided of long-established badger trail.

Breach of NPF and Development Plan

- Zoning of land is a separate procedure and not applicable to the process of determining a planning application.

Material Inaccuracy / Duty of “Proper Planning” / Procedural Issues

- Stated height discrepancy does not appear to be relevant to subject application.
- Given the nature of the proposal, retention of a boundary wall, a commencement notice is not required.

Project Splitting and Cumulative Impact

- Development does not constitute project splitting.

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:
- Procedural Matters
 - Amenity Issues
 - Other Issues

9.2. Procedural Matters

- 9.2.1. The appellant's wide-ranging appeal grounds raise a number of procedural matters including that in relation to the accuracy of the submitted drawings as well as suggesting that a 'jurisdictional bar' applies under Section 34(12) of the Act. I also note concerns in relation to project splitting and cumulative impact in an EIA context.
- 9.2.2. The applicant, on the other hand, refers to the scope of the application, and submits that a number of the other matters raised are not material to the overall assessment.

- 9.2.3. The planning authority specifically notes that the stated height discrepancy does not appear to be relevant to the subject proposal. They also refute the contention that the wall represents project splitting and reject that a jurisdictional bar applies in this case.

General Arrangements

- 9.2.4. As noted above, planning permission is sought to retain a 26-metre section of capped and rendered block wall along the western boundary of the appeal site. The wall is stepped in three sections due to the localised fall in levels and sits notably below the level of the adjoining estate road on approach from the west. Indeed, I also note that the dwelling is also below road level and carefully modulated to respect Benbulbin beyond. The height of the wall varies between 1.25 and 3 metres above ground level.

Jurisdictional Bar

- 9.2.5. Section 34(12) of the Planning Act states that a planning authority shall refuse to consider an application to retain unauthorised development of land where it decides that an EIA and/or AA was required or is required in respect of the development.
- 9.2.6. In this case, the appellant suggests that material excavated to facilitate the foundations of the dwelling was deposited into the SAC and thus the 'entirety of the unauthorised works must be assessed'; consent "after-the-fact" cannot be granted without prior AA.
- 9.2.7. The SAC, Cummeen Strand/Drumcliff Bay (Sligo Bay), is located some 500 metres north of the site and there is no evidence presented regarding the alleged deposition. Whilst publicly available orthophotography indicates that some excavated material was deposited in the field immediately north of the appeal site, it is remote to the SAC site.
- 9.2.8. Moreover, there is no evidence of any material excavated to facilitate the wall to be retained being deposited at the SAC and this is critical to this appeal ground in my opinion. In any event, the volume of such material would be limited in a shallow, open cut scenario given the nature of the wall i.e., not load bearing. I am thus unconvinced that the appellant's concerns have been sufficiently grounded and it is important not to conflate alleged depositions in a European site with the retention of a boundary wall.

Project Splitting / Cumulative Impact

- 9.2.9. Similarly, the appellant states that the current proposal cannot be viewed in isolation of wider unauthorised works in the context of project splitting, adding that any attempt to grant retention while ignoring unauthorised infilling will be viewed as an error in law.

- 9.2.10. In this regard, the applicant submits that the proposal is not EIA development and it has not been demonstrated as part of any project that would trigger such requirements.
- 9.2.11. The applicant is correct. A boundary wall is not EIA development as detailed in section 7 above. I also specifically note that the provisions of Section 34(12), in the context of EIA, does not apply in the case of development within the curtilage of a dwelling house for any purpose incidental to its enjoyment as a dwelling house according to Section 34(12A)(a) of the Act. I am thus resolute in my view that there is no jurisdictional bar in this case. The wall is evidently to protect the residential amenity of the dwelling, as submitted by the applicant, and thus the enjoyment of the house. Grounds in relation to project splitting and cumulative impact have not been clearly identified or advanced, particularly given the lack of evidence presented regarding the alleged infilling works.

Accuracy of Drawings

- 9.2.12. Finally, the appellant suggests that there is a 1 metre height discrepancy in the drawings and refers to case ACP-323969-25 which is currently before the Commission. The specific concern here relates to the height of the dwelling as opposed to the wall.
- 9.2.13. The planning authority note that the alleged height discrepancy does not appear to be relevant to the subject application and I agree; it evidently relates to the house. Moreover, I have inspected the site and I am satisfied that the wall to be retained has been accurately illustrated on the submitted drawings and no invalidation issues arise.

Conclusion on Procedural Matters

- 9.2.14. On balance, I do not consider that there are any procedural matters that would preclude the Commission from considering the proposed development on appeal. There is no jurisdictional bar under Section 34(12), the proposal does not represent project splitting and no cumulative EIA impacts arise, and the wall to be retained is accurately drawn.
- 9.2.15. Whilst I am sympathetic to the concerns of the appellant, it is extremely important not to conflate the issues in this case, which is evidently of a domestic nature and scale.

9.3. Amenity Issues

- 9.3.1. In terms of amenity, I note the justification advanced by the applicant regarding the privacy of their dwelling and the suggestion that the wall is consistent in form and finish with typical residential boundaries with no undue visual impact when viewed in context.

- 9.3.2. The appellant, on the other hand, states that the wall is “visually discordant” in a Highly Visually Vulnerable Area and represents a breach of Condition 4 of PA ref. 19/218.
- 9.3.3. In this regard, I note that Condition 2 of the planning authority decision requires a reduction in overall height of the wall to 2 metres when measured on the western side in order to protect the visual and residential amenities of the area. Such a reduction would appear to reduce the wall to the exempted development limit as detailed in Class 5 of Part 1 of Schedule 2 of the Regulations albeit subject to the definition of “ground level” in Article 5 of the Regulations, i.e., the lowest part of the ground adjacent to it.
- 9.3.4. Whilst I note the appellant’s suggestion regarding the landscape characterisation, it is important to clarify that the appeal site is located within a ‘Normal Rural Landscape’ (Chapter 23 / Landscape Characterisation Map). The ‘Visually Vulnerable Areas’ skirt the entire Sligo coastline and are in excess of 500 metres from the appeal site. Whilst I accept that they are visible from the site, the existing house is read, on approach, with a cluster of houses at the Dorrin’s Strand development. In this regard, I do not consider the wall, which is largely screened by the landform, to be visually discordant.
- 9.3.5. I also note the concerns regarding alleged non-compliance with Condition 4 of the grounding parent permission. It required all existing trees / hedgerows on the site / boundaries to be retained and maintained in the interests of visual amenity and wildlife. Whilst the appellant refers to this boundary as an “ancient hedgerow”, there is no evidence to suggest that it was anything more than a post and wire fence with intermittent vegetation as detailed in publicly available ‘street view’ imagery of the area.

Conclusion on Amenity Issues

- 9.3.6. On balance, I do not consider that the proposal to be retained would adversely impact on the visual or residential amenities of the area. It represents marginal exceedances above the Class 5 exemption at its lower end and generally integrates with built form.
- 9.3.7. If the Commission are minded to grant, I recommend Condition 2 should be omitted and the permission retained in accordance with the plans lodged with the application.

9.4. Other Issues

- 9.4.1. Finally, I note that the appellant has raised a series of other issues including those which fall under other statutory codes such as the Building Control, Waste

Management and Wildlife Acts respectively. They also raise specific concerns in relation to the DWWTS and refer to the EPA's Code of Practice (2021) in this regard.

Drainage

- 9.4.2. As noted, the appellant suggests that granting retention is prejudicial to public health and contrary to policy P-INW-5 of the Development Plan. In similar regard, they also allege that the proposal will impact on the hydrological regime and the aquifer viability.
- 9.4.3. The planning authority submit that the proposal does not involve any discharge to the DWWTS and this is evidently true. Whilst I accept that policy P-INW-5 seeks to ensure that proposed developments do not adversely affect groundwater resources and groundwater-dependent habitats and species, the appellant has not sufficiently advanced this case in relation to the existing wall that the applicant proposes to retain.
- 9.4.4. In this regard, it is important to reiterate that the proposal should not be conflated with the existing dwelling, particularly where alleged failures in the associated DWWTS have not been substantiated. Moreover, there is no evidence that supports the appellant's suggestion that the appeal site is within a karst landscape. Whilst I accept that the groundwater vulnerability is high in this area, having regard to the publicly available EPA mapping, it is evidently a locally important bedrock aquifer with the nearest karstified aquifer being c. 800m to the south at Knocknarea (see Appendix 2).

Ecological Impact

- 9.4.5. Specific concerns are also raised regarding the impact of the proposal on local ecology. The appellant notes a lack of mammal passes and suggests a disruption to established badger routes in this regard, whilst also noting a lack of ecological impact assessment.
- 9.4.6. The proposed development, which extends from the stone wall, adjacent to the vehicular entrance, as far as the rear building line lies adjacent to an outdoor paved area / semi-enclose courtyard. It is highly unlikely that this area would represent suitable habitat for badgers or other mammals as part of an established foraging route.
- 9.4.7. Whilst I also note that the "solid barrier" refers to the 2-metre-high boundary fence which adjoins the wall to the north, it does not form part of the proposal, and overall, I am satisfied that an ecological impact assessment is not required for such minor works.

Other Codes

- 9.4.8. The issue of compliance with Building Regulations are evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal. In any event, the Council have noted a commencement notice is not required for a wall.
- 9.4.9. Similar allegations regarding offences under the Waste Management Act and Wildlife Act, including the alleged removal of the boundary hedge between March and August 2025, need not concern the Commission and have not been fully advanced in my view.

Enforcement of Planning Control

- 9.4.10. I also note the concerns raised in relation to the enforcement of planning control, or suggested lack thereof by the planning authority. In this regard, the appellant has requested that permission be refused and directed enforcement proceedings initiated under Section 154 to restore the site to its original topography and ecological state.
- 9.4.11. The enforcement of planning control is a matter for the planning authority under Part VIII of the Planning Act. Having reviewed the appeal file and referral case ACP-323969-25, it appears to me that obligations under Section 32 have been addressed.

Procedural Irregularities etc.

- 9.4.12. Finally, I note that significant allegations are raised against the applicant and planning authority in the appeal submission. For the most part, I have addressed these allegations where they relate to procedural matters, however other allegations are beyond the remit of An Coimisiún Pleanála and are ultimately a matter for the Courts.

Conclusion on Other Issues

- 9.4.13. The above assessment represents my *de novo* consideration of all planning issues material to the proposal to retain a 26 metre long boundary wall at the appeal site.

10.0 AA Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered case PL-501084-SO-25 in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.

The proposed development is located to the northern periphery of Strandhill and within a peri-urban environment. It comprises the retention of some 26 metres of capped and rendered block wall which varies in height between 1.25 and 3 metres above ground level.

The closest European sites, part of the Natura 2000 Network, are Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (site code 004035) located c. 0.50km north of the appeal site.

Having considered the nature, scale and location of the development to be retained I am satisfied that it can be eliminated from further assessment because it did/could not have any effect on a European site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development;
- The distance from European sites, nature of intervening habitats and absence of ecological pathways to any European site; and
- Taking into account the screening determination of the LPA.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Water Framework Directive

- 11.1. I conclude that on the basis of objective information, that the wall to be retained did/will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (Appendix 2).

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 of the proposed development within the development limit of Strandhill and in an existing residential area, the small scale, domestic nature 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 of property in the vicinity, would not be prejudicial to public health, would not adversely impact on the natural environment or give rise to significant effects on any European site. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interests of clarity.

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

30th July 2026

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	PL-501084-SO-26
Proposed Development Summary	Retention of 26 metres of boundary wall to a maximum height of 3 metres
Development Address	Larass, 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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 (WFD Screening)

Template 1: Screening the need for Water Framework Directive Assessment Determination

The subject site is located within a peri-urban environment to the northern periphery of Strandhill, some 1.3km east of the seafront promenade and c. 500m metres from the Sligo coastline, the nearest surface waterbody. The proposed development comprises the retention of some 26 metres of capped and rendered block wall which varies in height between 1.25 and 3 metres above ground level. Water deterioration concerns were raised in the planning appeal, albeit in the context of groundwater and the existing DWWTS serving the dwelling on the site.

I have assessed the proposal and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development;
- The location-distance from nearest water bodies and/or lack of hydrological connections.

Conclusion

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