



An
Bord
Pleanála

Board Direction
BD-019925-25
ABP-322067-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/05/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

The Board noted the Inspector's recommended condition no. 2(b) requiring a dedicated drop-off/pick up area for the childcare facility but decided not to attach such a condition. In doing so, the Board had particular regard to the active travel infrastructure - existing and proposed - connecting the childcare facility to the proposed residential development and existing residential development in the wider area and also noted the proposed car parking provision immediately adjacent the childcare facility. In the circumstances, the Board considered a dedicated drop-off/pick up area, that would potentially diminish areas of proposed public open space, was unwarranted in this instance.

The Board noted the Inspector's recommended condition no. 13 requiring a pre-commencement structural survey of existing dwellings on Oakfield Road. Given the nature and scale of the proposed development, and noting also that the proposal does not include any particularly challenging or innovative construction methodologies/techniques that could pose an unacceptable risk to the structural integrity of existing dwellings on Oakfield Road, the Board considered that such pre-commencement structural survey was unwarranted and unnecessary.

(Direction to issue with Order.)

Reasons and Considerations

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- i. The provisions and policies of the Sligo County Development Plan 2024-2030,
- ii. The zoning objective '*nRES – New Residential Uses*', with a stated objective to '*Promote the development of greenfield/ infill/ backlands for high-quality residential uses such as apartments, houses, sheltered housing and live-work units, retirement homes etc., in tandem with the provision of the required physical infrastructure*'.
- iii. The National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- iv. Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020
- v. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (DHLG, 2024)
- vi. The Urban Development and Building Heights, Guidelines for Planning Authorities (DHPLG, 2018),
- vii. Design Manual for Quality Housing (DHLG, 2023)
- viii. Sustainable Urban Housing: Design Standards for New Apartments (DHLG, 2023)
- ix. Design Manual for Urban Roads and Streets
- x. National Biodiversity Action Plan (NBAP) 2023-2030
- xi. The availability in the area of a wide range of social and community infrastructure necessary to serve this development,
- xii. The pattern of existing and permitted development in the area,

xiii. Submissions and observations received, and

xiv. The Inspector's Report

it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the policies and objectives of the Sligo County Development Plan 2024-2030, would not seriously injure the residential and visual amenities of the area, would not have a negative impact on the character of the area, would not constitute overdevelopment of the subject site, would not overwhelm existing drainage infrastructure, would not fail to comply with the Water Framework Directive and the Habitats Directive, would not negatively impact biodiversity, would not result in devaluation of property, would be acceptable in terms of vehicular, pedestrian and cyclist safety, would be acceptable in terms of car and bicycle parking provision, and would offer a good standard of accommodation and amenity to future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. The Board has performed its functions in a manner consistent with The Climate Action and Low Carbon Development Act 2015 (as amended) and is satisfied that the proposed development is consistent with the Climate Action Plan 2024 and 2025.

Appropriate Assessment (AA):

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the development on serviced lands, the nature of the receiving environment which comprises a site on the edge of an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's Report.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), Lough Gill SAC (Site Code: 001976) and Cummeen Strand SPA (Site Code: 004035). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an Appropriate Assessment, it was ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), Lough Gill SAC (Site Code: 001976) and Cummeen Strand SPA (Site Code: 004035) subject to the implementation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), Lough Gill SAC (Site Code: 001976) and Cummeen Strand SPA (Site Code: 004035).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), Lough Gill SAC (Site Code: 001976) and Cummeen Strand SPA (Site Code: 004035).

Environmental Impact Assessment Screening:

The Board completed an Environmental Impact Assessment Screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended.
- b) The location of the site on zoned lands (Zoning Objective 'nRES – New Residential'), and other relevant policies and objectives in the Sligo County

Development Plan 2024-2030, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).

- c) The greenfield nature of the site and its location in an established suburban neighbourhood of Sligo town, which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- f) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment, Natura Impact Statement, Arboricultural Report, Invasive Species Management Plan, Site Specific Flood Risk Assessment, Archaeological Impact Assessment, Lighting Design Report and Mobility Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience, and would not have any significant adverse effects on biodiversity. The Board considered that the proposed development is compliant with the Sligo County Development Plan 2024-2030 and would therefore be in accordance with the proper planning and sustainable development of the area.

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 by the planning authority on the 22nd day of November 2024, 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 interest of clarity.

2. The west facing elevation of Unit No. 1 (house type A), located immediately north of the proposed northern site entrance and immediately east of the proposed combined cycle / pedestrian track, shall be redesigned to provide an active/primary frontage to the interface with the public road. Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority amended plans and elevations indicating compliance with this condition.

Reason: To provide an active/primary frontage to this dwelling addressing Oakfield Road in the interest of visual amenity and urban legibility.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

4. Mitigation and monitoring measures outlined in the plans and particulars including the Ecological Impact Assessment, Arboricultural Assessment and Impact Report, Invasive Species Management Plan and Mobility Management Plan, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment, public health, and clarity.

5.

- a) Details of the materials, colours, and textures of all the external finishes to the proposed buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.
- b) Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Communal parking areas serving apartment blocks L, M and N shall be provided with functional electric vehicle (EV) charging points, and all other houses within the scheme shall be provided with an electric vehicles (EV) home charge point to the exterior of the houses. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7.

- a) The development shall be carried out on a phased basis, in accordance with the phasing scheme submitted to the planning authority on the 22nd day of November 2024, unless otherwise agreed in writing with the planning authority prior to commencement of development.
- b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

8. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. The outdoor lighting scheme shall be carried out in accordance with the outdoor lighting report and scheme that was received by the planning authority on the 22nd day of November 2024 and with technical specifications of the planning authority.

The developer shall comply with all future site lighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres & shields and / or dimming.

Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interest of amenity and public safety.

10. The scheme shall be landscaped in accordance with the landscape plans and specification report received by the planning authority on the 22nd day of November 2024, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

11.

- a) All recommendations outlined in the submitted Stage 1/2 Road Safety Audit shall be implemented prior to occupation of any dwelling unit or respective phase of development, where applicable.
- b) Upon completion of the development and prior to occupation of any dwelling, the developer shall complete a Stage 3 Road Safety Audit, to be carried out by an independent, approved and certified auditor. The recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team. Agreed actions shall be implemented prior to occupation of any dwelling unit.

Reason: In the interest of pedestrian and traffic safety.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. A finalised Construction and 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, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities and public health and safety.

14. A detailed final construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

17. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

21.

- (a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is

demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. 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 Bord 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.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Board Member



Tom Rabbette

Date: 12/06/2025