



An
Coimisiún
Pleanála

Commission Order

ABP-322067-25

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 24/60186

Appeal by Oakfield Road Residents' Association care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 13th day of February, 2025 by Sligo County Council to grant subject to conditions a permission to Novot Holdings Limited care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 207 number residential units comprising of 21 number one-bedroom apartments, 37 number two-bedroom apartments, four number two-bedroom terrace houses, 99 number three-bedroom terrace houses, four number three-bedroom semi-detached houses, 42 number four-bedroom semi-detached houses. Provision of a creche facility, including a secure external play area. Provision of all associated surface water and foul drainage services and connections with all associated site works and ancillary services. Pedestrian, cycle, and vehicular access/egress and internal pedestrian and cycle access/egress along Oakfield Road. Provision of public open space, communal open space, private open space, site landscaping, public lighting, refuse storage, car parking, bicycle parking, boundary treatments and all associated site development works, all on a site which extends to circa 6.17 hectares on lands located on the Oakfield Road, Sligo, County Sligo.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the provisions and policies of the Sligo County Development Plan 2024-2030,
- (b) 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',
- (c) the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- (d) the Northern and Western Regional Assembly - Regional Spatial and Economic Strategy (RSES) 2020,
- (e) the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024,

- (f) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 as updated in 2020,
- (g) the Design Manual for Quality Housing issued by the Department of Housing, Local Government and Heritage in January 2022,
- (h) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing Local Government and Heritage in December 2022,
- (i) the Design Manual for Urban Roads and Streets (DMURS),
- (j) the National Biodiversity Action Plan (NBAP) 2023-2030,
- (k) the availability in the area of a wide range of social and community infrastructure necessary to serve the proposed development,
- (l) the pattern of existing and permitted development in the area,
- (m) the submissions and observations received in relation to the planning application and the appeal, and
- (n) the report of the Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance 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 site, would not overwhelm existing drainage infrastructure, would comply with the Water Framework Directive and the Habitats Directive, would not negatively impact on 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 Commission noted the Inspector's recommended condition number 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 Commission 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 Commission considered a dedicated drop-off/pick up area, that would potentially diminish areas of proposed public open space, was unwarranted in this instance.

The Commission noted the Inspector's recommended condition number 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 Commission considered that such pre-commencement structural survey was unwarranted and unnecessary.

Appropriate Assessment Stage 1:

The Commission 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 proposed 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, the 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) Special Area of Conservation (Site Code: 000627), the Lough Gill

Special Area of Conservation (Site Code: 001976) and the Cummeen Strand Special Protection Area (Site Code: 004035). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the Sites in light of their Conservation Objectives.

Appropriate Assessment Stage 2:

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) Special Area of Conservation (Site Code: 000627), the Lough Gill Special Area of Conservation (Site Code: 001976) and the Cummeen Strand Special Protection Area (Site Code: 004035) subject to the implementation in full of appropriate mitigation measures.

This conclusion is based on:

- (a) A full and detailed assessment of all aspects of the proposed development, including proposed mitigation measures in relation to these Conservation Objectives of the European sites.
- (b) A detailed assessment of in-combination effects with other plans and projects, including historical projects, plans and current proposals.
- (c) No reasonable scientific doubt as to the absence of adverse effects on the integrity of the European sites.

Environmental Impact Assessment Screening

The Commission 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 of 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 proposed, 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 of 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, and
- (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, the Ecological Impact Assessment, the Natura Impact

Statement, the Arboricultural Report, the Invasive Species Management Plan, the Site Specific Flood Risk Assessment, the Archaeological Impact Assessment, the Lighting Design Report and the 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 Commission 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 Commission considered that the proposed development would be in accordance 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 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 proposed 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 number 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 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 shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. Mitigation and monitoring measures outlined in the plans and particulars submitted with the planning application, including the Ecological Impact Assessment, the Arboricultural Assessment and Impact Report, the Invasive Species Management Plan and the Mobility Management Plan, 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 development and boundary treatments shall be as submitted with the planning 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 received by 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 name(s) 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 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 and shields and/or dimming. Such lighting shall be provided prior to the occupation of any dwelling unit of the proposed 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 the 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 unit, 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 the 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 operations (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 planning authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún 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 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 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 a 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 shall be submitted to the planning authority for written agreement prior to 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 commencement of development, the developer shall enter into connection agreements with Uisce Éireann 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 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.

18. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 interest 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 planning 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 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, as amended, 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 Coimisiún 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. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

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

24. 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.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 23rd day of June 2025.