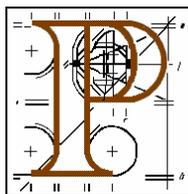


An Bord Pleanála



Inspector's Report

1. APPEAL DETAILS :

- | | |
|--|--|
| (1) An Bord Pleanala Ref. No. : | PL16.227413 |
| (2) Planning Authority: | Mayo Co. Co. |
| (3) Planning Authority Reference No. : | P07/2790 |
| (4) Applicant : | Laura Holmes |
| (5) Nature of the Application : | Permission |
| (6) Planning Authority's Decision : | Granted, with Conditions |
| (7) Location : | Rosturk, Mallaranny,
Westport, Co. Mayo |
| (8) Description of Development: | House, Garage & assoc. Site
Works |
| (9) Appeal Type : | 3 rd Party (vs. Grant) |
| (10) Appellants' : | John Healy
Michael Kenny |
| (11) Observers : | An Taisce
Basil Healy
Failte Ireland |
| (12) Date of Site Inspection: | 15 th May 2008 |
| (13) Inspector: | Leslie Howard |

2. SITE CONTEXT AND DEVELOPMENT DETAILS / DESCRIPTION:

(1) Appeal Site Inspection Date:

Attached find the series of photographs taken of the appeal site and its surrounding neighbourhood, taken on the day of inspection being the 15th May 2008. The Boards attention is also drawn to the series of colour photographs submitted by each of the applicant (L. Holmes – c/o Sean Lucy Assoc. as part of the response submission to the 3rd party appeals) and the 3rd party appellant (Dr J. Healy) respectively, and which are attached on the appeal file.

(2) Site Location and Description:

The application site is located at the townland of Mallaranny approximately 15km generally west of Newport and 3.5km east of Mallaranny respectively, northwest Co. Mayo, and on a south facing peninsula and coastline onto Clew Bay (see copy of the regional locality map attached). Specifically, the stated 4.48ha site is approx. 900m south of the N59 along a private road shared with Rosturk Castle and other agricultural landholdings on the peninsula, and which has its junction onto the N59 adjacent the Rosturk Post Office. The site is at the most elevated position of the peninsula, sloping northwards down to Rosturk Strand and from west to east down to the private road frontage. The sites SE corner and southern boundary abut the private road, with the western and eastern boundaries onto agricultural lands and the bottom northern boundary onto Rosturk Strand. The Rosturk Castle grounds are located to the south and the site, with the outer wall, farmyard and rear gate across the private road from the sites southern boundary. To the SW corner of the site is a derelict farmhouse and assoc. outbuildings all in disrepair. The well grassed site was grazed with sheep at the time of inspection. The site enjoys extensive and impressive views over the Rosturk Strand floodplain and Clew Bay. The surrounding area can be described as rural lowland coastline, with the primary and predominant use being agricultural. Sporadic

detached single houses exist in the area (see attached photographs taken at the time of physical inspection).

(3) **Description of the Proposed Development:**

Application was made by Ms. Laura Holmes for permission for the construction of a stated 211.8sq.m. 4-bedroomed single story dwelling house, and septic tank with puraflo treatment system, all on a stated 4.48ha site at Rosturk, Mallaranny, Westport, Co. Mayo. The proposed new house comprises two long single storey units stated as “resembling buildings associated with a farmyard and proposes to utilise stone, slate and wooden finishes to harmonise with the landscape”. The first linear block is to comprise – a living room, dining room, kitchen and utility room, with the second comprising – a living room, bathroom and 4-bedrooms (1no. ensuite) linked by a corridor running the length of the block, and with the two blocks linked by an entrance foyer. The house footprint is located generally in the Se corner of the site, setback approx. 40m and 35m respectively from the sites S and E boundaries. Water is intended by public mains (to be routed along S and W site boundaries, and through the NW corner of the site, across Rosturk Strand onto the mainland), with effluent disposal by onsite proprietary treatment unit (a puraflo peat filter system from Bord na Mona, located N of the house) and percolation area (further to the NW and upslope from the unit). Site surface water disposal is to be by soakpit. Direct vehicular access is proposed off the Newport to Mallaranny N59 national road, adjacent the Rosturk Post Office and along an approx. 900m narrow private farm road which meets the site adjacent its SE corner and continuing along the sites S boundary. The entrance onto the site is proposed off the sites S boundary adjacent the SE corner, with an approx. 40m driveway leading to the house. A shed and surface car parking is proposed in the driveway forecourt to the SW of the house (see series of Site Layout Plans, Floor Plans, Elevations and Sections Drawings,

prepared by Grady Assoc., received by the Planning Authority date stamped the 24th October 2007 attached on file).

3. PLANNING CONTEXT:

(1) Mayo Co. Development Plan (2003-2009):

Relevant provisions include –

Sect. 3.1.1 The Dev. Framework – Rural Areas:

DF-RA 6 ... to ensure that the use and appearance of all development in rural areas respects the character, quality environment and amenity of the countryside and its vernacular traditions and their ability to be absorbed into the surrounding landscape without generating an adverse visual impact.

Sect. 3.1.1 The Dev. Framework – Housing in the Countryside:

DF-HC 1 ... that, in the rural area outside of the lands zoned for residential development, in the Town Development Plans for Ballina, Castlebar and Westport and in the unserviced lands outside the lands zoned for residential development in the Development Plans for Ballyhaunis, Swinford, Ballinrobe and Claremorris, only permanent housing needs shall be accommodated, subject at all times to the consideration of the proper planning and sustainable development of the area.

DF-HC 6 ... to ensure that new housing development in the rural areas respects the character, visual quality environment and amenity of the countryside and its vernacular traditions in order to safeguard the country's built and natural heritage.

DF- HC 7 ... to ensure that as far as possible, new housing development in the countryside is of the highest design standards.

Sect. 3.1.1 **The Dev. Framework – Housing in Coastal Areas and Areas of High Amenity:**

DF-HHA 1 ... that in the areas identified as Sensitive or Vulnerable in the Landscape Appraisal of County Mayo the permanent housing needs of the established rural community will be accommodated, subject at all times to the consideration of the proper planning and sustainable development of the area.

DF-HHA 2 ... that, in areas identified as Sensitive or Vulnerable in the Landscape Appraisal of County Mayo, the siting and design of new housing shall ensure the ability of the dwelling to be absorbed into the surrounding landscape without generating an adverse visual impact.

DF-HHA 3 ... that areas along the sea, estuaries and lake shore lines shall be referred to as scenic areas and that scenic views in those areas are protected as much as possible, and only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed.

Sect. 4.16 **Single Houses in the Countryside:**

Minimum site requirements are stated to be site size of 2000m², site frontage of 30m and full compliance with SR6 1991 and other relevant standards.

Sect. 3.1.2 **Economic Activity – Tourism:**

EA-T 1 ...to protect those areas of outstanding landscape, the natural & built environment and the cultural heritage that form the County's tourism resource.

Sect. 3.1.5 **Environment, Heritage & Conservation – Landscape Character:**

EH-LC 1 ...through the Landscape Appraisal of County Mayo contained in Appendix VI to recognise and facilitate appropriate development in an appropriate manner that has regard to the character and sensitivity of the landscape, to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence, that development will have regard to the effects of developments on views from the public realm towards sensitive or vulnerable features and areas.

EH-VP 1 ...to ensure that development does not adversely interfere with views and prospects and the amenities of places and features of natural beauty or interest when viewed from the public realm. Views and prospects worthy of preservation and protection are indicated on Map 12.

Appendix 10 **Landscape Appraisal of Co. Mayo:**

The site is located in Area J: Clew Bay Glacial Drumlins

Sect. 3.1(a) & (b) **Areas Designated as Vulnerable:**

...designates certain areas as vulnerable including the coastline from Killala Bay to Killary Harbour and the Clew Bay drumlins.

Dev. Policy – “...to be considered for permission, development in the environs of these vulnerable areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings”.

Sect. 3.6(a) & (b) **Areas Designated as Scenic Routes:**

N59 from Bangor to east of Rosturk (incl. the application site).

Sect. 4 **Principle Policy Areas** (4-areas):

2. **Lowland Coastal:**

The application site is located in Policy Area 2-Lowland Coastal Zone (see copy of suite of the relevant policies attached).

(2) **National Policy - National Spatial Strategy (2003):**

- (a) Section 5.3.2 of the National Spatial Strategy deals with the issue of housing location in rural areas. The strategy sets out a spatial planning framework to support sustainable rural settlement, taking account of the different forms of settlement that have evolved.
- (b) In the first instance the strategy distinguishes in Policy terms, between rural and urban generated housing in the following manner:
 - (i) Housing needed in rural areas within the established rural community by people working in rural areas or in nearby urban areas (**rural generated housing**); and

- (ii) Housing in rural locations sought by people living and working in urban areas, including second homes (**urban generated housing**).
- (c) Rural generated housing needs arise for people who are an intrinsic part of the rural community by way of background or the fact that they work full-time or part-time in rural areas. As a general principle, subject to good planning practice in matters of location, siting, design and the protection of environmentally sensitive areas and areas of high landscape value, rural generated housing needs should be accommodated in the areas where they arise.

(3) **National Policy – D.o.E.’s Sustainable Rural Housing Guidelines (April 2005):**

In summary the guidelines provide that (see pg 1 & 2):

- (a) People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures;
- (b) Anyone wishing to build a house in rural areas suffering persistent and substantial population decline will be accommodated;
- (c) The development of the rural environs of major urban areas, including the gateways and hubs identified in the NSS and county and other larger towns over 5000 in population needs to be carefully managed in order to assure their orderly development and successful functioning into the future
- (d) The Guidelines require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and be generally compatible with:
 - The protection of water quality in the arrangements made for on site wastewater disposal facilities;
 - The provision of a safe means of access in relation to road and public safety;

- The conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage;
- (e) The guidelines designate the application site as being located within the Rural Area Type “Areas with clustered settlement patterns” (Ref: Section 3.2, pg 16, and Map No.1, pg 61 – see copy attached). Noteworthy are the provisions of Appendix 3 to the Guidelines (see pg 54) which for “Areas with clustered settlement patterns” state that “the key development plan objective in these areas should be to support the maintenance of a vibrant rural population..., while also protecting valuable assets such as important landscape quality and the natural and cultural heritage...”.

(4) **Planning History of the Appeal Site and its environs:**

No relevant planning history is apparent on the application site.

The following planning history is apparent in the vicinity:

Reg.Ref.No.05/1905: Permission granted to C. Ginnelly & S. McGee to erect a house at Bunnahowna, Mallaranny, Co. Mayo. Application subsequently withdrawn under 3rd party appeal **Reg.Ref.No.PL16.216378** (see copy of case history documentation attached on file);

Reg.Ref.No.06/3442: Permission granted to C. Ginnelly to erect a house & septic tank at Bunnahowna, Mallaranny, Co. Mayo. Application subsequently REFUSED under 3rd party appeal **Reg.Ref.No.PL16.222022** for 3no. reasons –

- serious negative impact on the visual amenities of the area;

- public health threat; &
- traffic hazard

(see copy of case history documentation attached on file);

Noteworthy in the context of the proposed development and the 2no. 3rd party appeals is reference in the 3rd party appeal submission by M. Kenny to the “list of planning permissions for housing granted to the applicants father (Michael Holmes), from whom she is getting the site” (see Annex. 5). Similar references are made in the Observation submitted by Mr B. Healy – see pg. 6 “alternative sites are available to applicant”.

(5) Planning Authority Reports:

- (a) The Planning Officers brief report (copy undated on the file – flagged) recommends that permission be GRANTED, generally subject to the same Conditions set out in the Managers Order below. This recommendation was made having regard to:
- (i) Confirmation of the nature and composition of the proposed development;
 - (ii) Consideration of the locational context of, and character of the application site – noted as “elevated site”;
 - (iii) Contextualisation re. services and infrastructure proposed – water supply; effluent & surface water disposal and road access;
 - (iv) Location “near SAC”;
 - (v) Consideration of Departmental and Statutory Body comments received –
 - Area Engineer;
 - An Taisce;
 - (vi) Planning Comments –
 - Development stated on family lands;
 - Reference to pre-planning meetings with applicant;

- Additional family owned lands not considered suitable “due to access onto the N59”;
- State that applicant has access to site and that the road will be improved;
- State that “a house at this location can be accommodated on the landscape”;

(b) **Objections / Submissions:** The following 3rd party / Statutory Body objections & submissions are apparent, included with the Planning Authority’s case documentation submitted (see copies of originals attached on file) –

- Michael Kenny (*) (c/o Taylor Architects) – 26/11/2007;
- Basil Healy – 21/11/2007;
- Bob Healy – 22/11/2007;
- An Taisce – 19/11/2007;
- John Healy (*) – 16/11/2007.

(*) denotes current 3rd party appellant.

Issues argued included –

- negative visual impact;
- negative impact on adjacent Rosturk Castle;
- threat to public & environmental health re. effluent treatment & disposal;
- traffic hazard re. junction to N59;
- proven need for permanent rural housing;
- applicant’s insufficient proven legal interest to ensure improvement works to local farm access road completed;
- substandard planners report;
- availability of alternate sites on family landholding;
- pollution threat;

- precedent.

(c) **Departmental and Statutory Body Comments:**

Area Engineer: No objection, subject to Conditions.
Noteworthy is the expressed opinion that “Visibility at junction of access road and N59 is adequate” (see report dated the 03rd December 2007).

(6) **Planning Authority Decision Details:**

Mayo Co. Co. as Planning Authority, by Managers Order No. P9584/2007 dated the 17th Dec. 2007, decided to GRANT PERMISSION for the proposed development, subject to 19no. generally standard conditions. Notable in the context of the proposed development, the Planning Authority’s decision, and the 3rd party appeals are the following (see appeal file):

- Condit. No.1:** Restriction & limitation on occupancy;
- Condit. No.2:** Compliance with plans and particulars, as amended;
- Condit. No.6:** Specification re. vehicular entrance gate to the site;
- Condit. No.8-13:** Specifications re. on site effluent treatment and disposal;
- Condit. No.16:** Specifications re. materials, finishes & colouring;
- Condit. No.17:** Specification re. landscaping & screen planting.

4. 3rd PARTIES GROUNDS FOR APPEAL:

(1) **3rd Party Appellant – Dr. John Healy:**

In a submission dated the 18th January 2008, Dr J. Healy (c/o Cox Power Assoc.) sets out the grounds of appeal as follows:

(a) **Negative visual impact on scenic, visually prominent & elevated landscape –**

Argued contravention of Co. Dev. Plan 2003 Objectives DF-3, EH-LC 1, EA-T 1 and EH-VP 1 as follows –

- the N59 passing the site and peninsula is a national road and a main tourist route (one of most beautiful landscape / seascape areas in the west of Ireland);
- the application site abounds / is adjacent a SAC (to N, S E & W) and a NHA (to the N);
- spectacular views exist to the sea, islands & mountains along the N59;
- proposed development = intrusive and damaging to this landscape;
- spectacular view across to site / peninsula incl. of Croagh Patrick, Clew Bay & islands and Clare Island;
- proposed dev. materially contravenes Dev. Plan 2003 Objectives;

(b) **Detrimental impact on the adjacent Rosturk Castle –**

Argued contravention of Co. Dev. Plan 2003 Objectives EH-LC 1, EA-T 1 and EH-VP 1 as follows –

- proximity adjacent Rosturk Castle – a landmark building in the landscape, and part of the built and cultural heritage of the area (currently under consideration for listing as a protected structure by the Co. Co.);
- location well visited by tourists;
- spectacular views from the eastern approach along the N59, looking over application site and adjacent Rosturk Castle;
- “any development on this site ... would be seriously detrimental to this view and consequently would substantially devalue Rosturk Castle, its environs and the cultural and built heritage associated with it”;

(c) **Threat to public & environ. health –**

Argued contravention of Co. Dev. Plan 2003 Dev. Control Std's 4.16.4 and 4.16.5 as follows –

- test results show poor quality ground conditions for a percolation area = threat of contamination of ground / surface waters at sensitive location;
- threat of contamination of trout bearing estuary / river system and environs;
- public health hazard by contamination of adjoining property; public access areas, the local shellfish beds & the salmon river estuary;
- located in / adjacent a NHA and a SAC – particularly sensitive area re. public amenity, shellfish beds, a salmon estuary, wildlife, etc;
- as not possible to achieve the 400m Dev. Plan Standard from the HWM – development should not be permitted;

(d) **Traffic Hazard –**

Argued contravention of Co. Dev. Plan 2003 Dev. Control Std's 4.11.1 and 4.11.2 as follows –

- narrow farm access road junction onto the N59 = “substandard and extremely dangerous”;
- consequent increase in loading and vehicle movements at this junction would exacerbate an existing very dangerous traffic hazard. Note no improvement works to junction proposed by applicant – therefore permission should not be granted;
- owner of application site has sufficient landholdings to facilitate safe alternate access onto another site;

(e) **Permanent rural housing need not established –**

Argued contravention of Co. Dev. Plan 2003 Objectives DF-3, DF-HC 1 and DF-HHA 3 as follows –

- applicant not established housing need at this location;

- alternate location of the proposed development already considered in the planners report;
 - the owner of the application site has landholdings in the area incl. Tiernaur Village. This would be a more desirable and sustainable location for the proposed development in accordance with the Co. Dev. Plan;
- (f) **Local access farm road –**
- (i) Applicant has insufficient land / legal interest to ensure Local Area Improvement Scheme works can be carried out (on which satisfactory, safe road access to site dependent);
 - (ii) Appellant (J. Healy) who owns 60% of farm road, will not give permission for the improvement works;
 - (iii) The development cannot proceed without these works, for permission consent will not be granted by J. Healy;
- (g) Note: Map & photographic series enclosed with the appeal submission (see attached on file);

(2) **3rd Party Appellant – Michael Kenny:**

In a submission dated the 17th January 2008, M. Kenny (c/o Taylor Architects) sets out the grounds of appeal as follows:

- (a) **Inadequacy of the Planners Report –**
- (i) Query accuracy of references made to pre-planning consultations;
 - (ii) Concern report does not address 3rd party concerns submitted;
- (b) **Alternative Family Sites –**
- (i) Weighted reference to permission granted to family member C. Holmes under **Reg.Ref.No.04/1361**, for house on family lands, with access off N59, within village location;
 - (ii) Additional family owned lands available at this location for house development by family members;

- (iii) Other family owned lands are available to the applicant for house development;
 - (iv) Reference houses permitted under **Reg.Ref.No.05/1022** as available for occupancy by the applicant;
 - (v) Reference M. Holmes received approx. 12no. house permissions in area in recent years, in addition to the above;
- (c) **Risk of Pollution –**
- (i) Threat of contamination of beaches and of ground water pollution consequent of effluent treatment system proposed;
 - (ii) Threat to local established fish farming enterprise;
- (d) **Intrinsic Unsuitability of Site for Development –**
- (i) Contravention of Objectives DFHHA 1, 2 and 3 of Co. Dev. Plan 2003 (ie: site located in “lowland costal zone landscape character area” – defined as sensitive and vulnerable. Objectives = dev restricted and scenic qualities protected);
 - (ii) Weighted reference to negative visual impact on distinct Rosturk Peninsula. Ref. para. 3.6 of dev. Plan – “the N59 from Bangor to east of Rosturk is designated a scenic route”;
 - (iii) Water supply pipe proposed across Rosturk Strand (in Clew bay SAC) indicative of site unsuitability; ;
- (e) **Precedent –**
- (i) Emphasise site unsuitability due to visual sensitivity;
 - (ii) Weighted reference to suite of Bord decisions refusing permissions on coastal sites “because of the vulnerability of the landscape”.

5. RESPONDENTS TO THE 3rd PARTY APPEALS:

(1) Planning Authority Response:

No response apparent from the Planning Authority.

(2) **Applicant's Response:**

In a submission dated the 15th February 2008, the applicant (c/o Sean Lucy Assoc.) sets out a response summarised as follows:

(a) Clarification of site location and description of proposed development;

(b) **Dr. John Healy – 3rd Party Appeal:**

(i) **Negative visual impact on scenic, visually prominent & elevated landscape –**

- whilst scenic views possible “out of the site”, “it cannot be described as a scenic and visually prominent location”;
- only one long distance view of the peninsula available from the easterly N59 approach (not a designated view in the Co. Dev. Plan 2003);
- point out traffic hazard of stopping on the N59 to view the peninsula / application site;
- point out that the exact location of the proposed house not shown on the appellant's photographs;
- having regard to the only view possible from the N59, the new house will assimilate effectively with the existing contextual environment;
- argue the N59 at this location not identified as a scenic route on Map 12 of the Co. Dev. Plan. Therefore policies argued by Dr. Healy have no relevance;

(ii) **Detrimental impact on the adjacent Rosturk Castle –**

- no views of the castle possible from the site, nor will dev. Impact detrimentally on the setting of the castle;
- there are no views of the application site from the castle;

- the castle is neither a protected structure, nor proposed as a protected structure – therefore no statutory protection status;
- full regard taken of contextual landscape character and sensitivity, with appropriate design solution – therefore complies with Objective EH-LC 1;
- impact of proposed design = the house will appear part of a farmyard complex rather than a building on own grounds;

(iii) **Threat to public & environ. health –**

- the Dev. Control Std's referenced by Dr. Healy are not relevant to the application;
- satisfactory compliance achieved with Sect. 4.16.4 of Co. Dev. Plan (ie: beyond 100m separation distance; site area greater than 3000sq.m. – 4.48ha; and site width greater than 40m);
- point out that Dr. Healy accepts the percolation area is over 100m from the HWM in all directions;
- recorded t-value of 48.8 is within acceptable range set out in the EPA Guidelines for single houses, and site suitable for conventional septic tank with soil percolation area (ref. Sect. 3.2.1 of the EPA guidelines);
- applicant happy to comply with any Bord Condition re. wastewater treatment, incl. a management agreement;
- summer 2007 was notable due to the amount of rainfall recorded (ie: July 2007 recorded levels well over the July average);

- test results on site were therefore at the extreme end;
- site not located within a designated landscape. The bay area is a designated SAC and NHA;

(iv) **Traffic Hazard –**

- site does not exit directly onto the N59, but rather onto a private road which has an existing junction to the N59;
- impact at site location “would be minimal”;
- applicant already exits onto the N59 from her current residence;
- weighted reference to Area Engineer report – “sightlines onto the N59 from the proposed access are acceptable”;
- assert visibility at the N59 junction is adequate;
- applicant’s father has substantial landholdings in the area, which is directly accessed via the N59, “and cannot be considered to represent a suitable alternative location for housing”;

(v) **Permanent rural housing need not established –**

- no question that the applicant is from the immediate area and satisfies local need criteria;
- contrary to Co. dev. Plan policy, Dr. Healy “considers that alternative sites which access directly onto the N59 are deemed suitable” for the purpose of the applicant;
- reference applicant’s sister being granted permission, Conditioned to utilise the existing entrance of her brothers house, in order to restrict direct accesses onto the N59;
- the Planning Authority deemed alternative site locations within the applicants father’s

landholding as unsuitable because of their direct access onto the N59;

- application site the only suitable land which does not directly access the N59 – therefore an established need exists at this location;
- site area not identified on Map 12 as scenic, and no scenic views along the N59. Therefore Objective DF-HHA3 referenced by Dr. Healy does not apply;

(vi) **Local access farm road –**

- the local improvement scheme approved, will ensure improvement works adequately serving the site with road infrastructure;
- Dr. Healy’s argument indicative of “opposition to any development along this private road”;
- improvements to the road do not form part of the application, other than to indicate future improvement of access (€32,800 allocated);
- no substance to Dr. Healy’s claim that the applicant does not have sufficient legal interest in the land to develop the application site as proposed;
- neither the applicant or her father applied for the LIS scheme, but rather a Mr J. McGinty who must have some legal interest in the private access road;

(c) **Michael Kenny – 3rd Party Appeal –**

(i) **Inadequacy of the Planners Report –**

- clarify accuracy of planners report (ie: pre-planning meetings occurred with the applicant, but not with the applicant’s agent);
- the site is not within an NHA and SAC;

- re. sanitation – the application submitted satisfactory percolation test results for the site;
- the report had regard to preplanning discussions and alternative sites;

(ii) **Alternative Family Sites –**

- alternative sites are available, but these access directly onto the N59 – therefore undesirable from a planning perspective. These sites only acceptable where no other alternative sites are available;
- applicant’s sister granted permission for a house – access Conditioned through existing entrance serving brothers house;
- lands across from the site comprise cutaway bog land, unsuitable for a wastewater treatment system;
- neither the applicant or her father are directors of Fairways Tiernaur Ltd;

(iii) **Risk of Pollution –**

The site passed the t-test, a puraflo system is proposed and Conditioning acceptable by the Board;

(iv) **Intrinsic Unsuitability of Site for Development –**

Argue these issues addressed under the response to the Dr. Healy appeal submission;

(v) **Precedent –**

- each application to be judged on its merits;
- under Reg.Ref.No.PL16.222022 – the site was open and exposed, was served by a public road which was substandard in width and alignment. This does not apply to the application site.

(3) **Observer – Basil Healy:**

In a submission dated the 07th February 2008, B. Healy sets out a response summarised as follows:

- (a) damage to a wonderful scenic amenity and tourist attraction;
- (b) adverse impact on a proposed protected structure;
- (c) approval will set a precedent for further development;
- (d) house will overlook Rosturk castle and adversely impact its privacy and setting;
- (e) alternative sites with road access available in the area ;
- (f) access by emergency vehicles is restricted;
- (g) access is inadequate and increased traffic will severely impact existing users;
- (h) significant risk to ground and surface water in the vicinity;

(4) **Observer – Failte Ireland:**

In a submission dated the 14th February 2008, Failte Ireland set out their response as follows:

- (a) Note location close to Rosturk Castle;
- (b) Serious concern for two reasons –
 - (i) negative impact on quality of views of Rosturk Castle and Clew Bay (considered iconic and much photographed by tourists) from the N59 & Rosturk Strand. Protection of these views considered important for maintenance of visitor experience / enjoyment;
 - (ii) negative impact on the setting of Rosturk Castle. Acknowledge Castle has no protected structure status, but concern re. location within curtilage of this historic building. Point out no other developments exist on this promontory;
- (c) Recommend Refusal.

(5) **Observer – An Taisce:**

In a submission dated the 21st January 2008, An Taisce set out their response as follows:

- (a) Clarify expediency of decision to lodge Observation and not an Appeal
- (b) Weight regard to sites location in a sensitive, and visually vulnerable area of the Mayo coast, in an area of flooded drumlin landscape;
- (c) Weighted regard to worthiness of Rosturk castle as a Protected Structure;
- (d) Concerned reference to excessive level of septic tank dependent sprawl at this general sensitive location;
- (e) Reference applicant’s family legal and property interest in the area;
- (f) Concur with argument that applicant has not demonstrated satisfactory need at this sensitive location, having regard to alternative site options on family lands.

(6) **National Roads Authority (NRA):**

In a submission dated the 10th April 2008 (in response to the Boards request dated the 31st March 2008), the NRA set out their response as follows:

- (a) Comment that – “the proposal represents direct access to the N59 via an un-adopted lane at a point where the maximum speed limit applies”;
- (b) The proposed development would, if approved, intensify the use of a private lane which accesses onto the N59 at a location where the maximum speed limit (ie: 100km/h) applies – therefore contrary to NRA national policy re. control of frontage development on national roads;
- (c) “...by reason of the character and nature of the development would endanger public safety by reason of traffic hazard and obstruction of road users due to additional traffic movement”;

- (d) Serious adverse impact on the use and safety of the N59 national route for road users.

Responses to the NRA Submission –

The Applicant:

In response to the Boards request (see letter dated the 15th April 2008), the applicant (c/o Sean Lucy Assoc. – 02nd May 2008) submits the following response –

- (a) “The argument that the character and nature of the development would endanger public safety by reason of traffic hazard is not rational in this case as there are adequate sightlines available and the traffic movements which would take place are not additional given that our client carries out the same daily movements at another point on the N59”;
- (b) the proposed development will not direct access onto the N59;
- (c) no additional turning movements will result, as the applicant currently directly accesses the N59 from her parents house;
- (d) 2no. existing dwellings currently access directly onto the private road. Therefore no precedent will result from the proposed new house. Rosturk Castle already sets the precedent;
- (e) access onto the existing minor road as an advantage to the proposed development, where no other site exists which does not have direct access onto the N59;
- (f) challenge precedent as a serious consideration. The status of the road is not a relevant consideration;
- (g) not reasonable to classify the application site as having direct access to the N59. “The issue of impact of the proposed development on the national route is an over reaction on the part of the NRA”;

Basil Healy:

In response to the Boards request (see letter dated the 15th April 2008), Basil Healy submits the following response (dated 05th May 2008) –

- (a) Increased use of the existing Rosturk PO junction with the N59 “is likely to significantly increase the risk of a serious accident at the junction”. Traffic hazard due to –
- (i) junction has poor visibility of on-coming traffic – contrary to Sect. 4.11.4 of the Co. Dev. Plan;
 - (ii) Laneway at junction is too narrow for vehicles to pass –
 - vehicles turning off the N59 will be blocked if car exiting laneway onto N59;
 - increased usage, result in increased threat of serious accidents re. blocking N59 users at speed;
 - increased congestion, will threaten traffic safety;
 - (iii) Junction at the base of a hill –
 - threat of overshooting the junction in stopping and turning movements – consequent of descend down hill to junction;
 - query compliance with “gradient requirements of access points in the co. dev. plan”;
 - (iv) Junction at point where maximum speed limit applies –
 - the 100km/h speed limit applies passed the junction;
 - accidents would therefore occur at high speeds with greater risk of injuries;
 - (v) Overtaking common along the N59 –
 - overtaking is a regular occurrence, with consequence increased traffic hazard;
- (b) Threat of significantly increased use of a dangerous access point, both from the development itself, but also from other sites which will likely proceed by virtue of the precedent an approval would set –

- threat of precedent for further development on the currently undeveloped Rosturk headland;
 - access to further development would be restricted to the substandard existing access road / N59 – junction;
 - increased usage would increase risk to traffic safety along the N59 national route;
- (c) Alternative sites with safe access are available to applicant –
- applicant's father has extensive landholdings with safe road access onto the N59 and onto local roads;

An Taisce:

In response to the Board's request (see letter dated the 15th April 2008), An Taisce submit the following response (dated 30th April 2008) –

- (a) concurrence with the NRA that the proposed development contravenes national road safety policy and the DoE's rural housing guidelines;

6. PLANNING ASSESSMENT:

- (1) I have considered all of the points raised in the 3rd party appeals, inspected the site and its environs, reviewed the planning history and assessed the proposed development in the light of the Mayo Co. Dev. Plan 2003, and of National Policy (ie: the D.o.E's. Sustainable Rural Housing Guidelines 2005).

I believe that the relevant issues in review of the merits of this appeal relate to:

- (a) The principle of, need for rural housing, and location of the development;
- (b) Rural Lowland Coastal Landscapes and associated Visual Amenity; and
- (c) Services and Infrastructure – Road Access, Traffic Safety and Sanitation Services.

(2) **The principle of, need for rural housing, and location of the development:**

Noting the clarification of the applicant's housing need, I consider it reasonable that in the light of the general provisions of the Mayo Co. Dev. Plan 2003 (and particularly Sect's 2.2.5 "The Dev. Framework – Rural Areas" and 3.1.1 " Dev. Objectives – Rural Areas, Housing in the Countryside & Housing in Coastal Areas & Areas of High Amenity" thereof), as well as the National Spatial Strategy (as set out at Section 4.8 and 5.3.2) and the D.o.E.'s Sustainable Rural Housing Guidelines respectively, that these arguments and substantiated evidence regarding need satisfactorily comply with the statutory development policies and objectives for rural housing facilitation in Co. Mayo. Clearly Ms L. Holmes (the applicant) is a member of the local M. Holmes family, now seeking to build a house on what are family owned lands.

However, noting the practicality of the applicant's access to family lands at on the Rosturk peninsula, located outside of a designated settlement centre, and as will be discussed further below, I believe that notwithstanding the establishment of a historical rural family / socially based local need, the application site fails the test regarding site suitability in terms of the "consideration of the proper planning and sustainable development of the area" clearly provided for at Sections 2.2.5, 3.1.1, 4.11 & 4.16 of the Mayo Co. Dev. Plan 2003 (ie: haphazard dev., injury to scenic landscape, consequent road safety problems & sanitation issues), which in my view are set out as critical qualifications to the fulfilment of the planning need for housing development in the rural areas of Co. Mayo. In this regard I strongly share the opinions argued by each of the 3rd party appellants, the Observers and the prescribed bodies (An Taisce, Failte Ireland & the National Roads Agency), against the applicant's proposed development of the site. I note that the Co. Dev. Plan 2003 provisions are supported by the National Spatial Strategy which itself clearly

provides that rural generated housing needs should be accommodated in the areas where they arise, "... subject to good planning practice in matters of location, siting, design and the protection of environmentally sensitive areas and areas of high landscape value". This qualification is further affirmed by the provisions of the D.o.E's Sustainable Rural Housing Guidelines (see pg 1 – "Intro." and pg 25 – "Rural Generated Housing"). Referencing the rural area typologies set out at Section 5.3.2 of the National Spatial Strategy, the Guidelines in my view designate the application site as being located within the Rural Area Type "Areas with Clustered Settlement Patterns" (Ref: Section 3.2, pg 16, and Map No.1, pg 61 – see copy attached. Noteworthy are the provisions of Appendix 3 to the Guidelines (see pg 54) which for "Areas with Clustered Settlement Patterns" state that "the key development plan objective in these areas should be to support the maintenance of a vibrant rural population..., while also protecting valuable assets such as important landscape quality and the natural and cultural heritage...". Having regard to the scenic coastal location of the application site clearly proximate with the designated "Clew Bay SAC" and the designated "Scenic Route – N59 from Bangor to east of Rosturk" (see attached maps 10 & 12 of the Co. Dev. Plan 2003, and Mayo Landscape Appraisal Maps – "Scenic Evaluation – Vulnerable Features" & "Scenic Routes & Protected Views" of Appendix X thereto), I am of the view that it will be the sites location (with severely substandard road access), and the site specific character in local context, which presents the significant challenge to the proposed development being in accordance with the proper planning and sustainable development of the area.

I consequently tend to the view that whilst a satisfactory rural / local need for a house in the countryside has been demonstrated by the applicant, the proposed site itself is not suitable. Having made observations of the Rosturk peninsula and the elevated position of the application site in the context of the surrounding lowland coastal

landscape (defined landscape protection policy area # 2 – see copy of map attached) at the time of physical inspection, I deem this to be reasonably the case (see photographs taken at the time of physical inspection).

Having regard to further planning assessment set out below, I therefore consider the proposed location and general site suitability to be undesirable for ad hoc housing development in the public interest, and that the development of the site as proposed would be contrary to the proper planning and sustainable development of the local Rosturk peninsula.

- (3) **Rural Lowland Coastal landscapes and associated Visual Amenity:** The suite of provisions set out in the Mayo Co. Dev. Plan 2003 are such that any new development requiring a rural location should not seriously detract from the rural landscape character of the area, or intrude on the visual amenity of the local lowland coastal landscape, and should generally reflect the traditional aspects in design and treatment. In the context of the local Rosturk peninsula, and the prominent position of the application site on the coastline of the Rosturk Strand / Clew Bay, with high intervisibility, I consider in concurrence with the 3rd party appellants and with the Observers, that the proposed development notwithstanding its design considerations and logic clarified by the applicant (c/o Sean Lucy Assoc. & Grady Assoc.), would be seriously intrusive of the contextual landscape and associated visual amenity of the lowland coastal rural landscape within which the site is located. In this regard I give weight to the exposed prominence and character of the application site, in the view of both the designated SAC Clew Bay waters and the designated “Scenic Route – N59 from Bangor to east of Rosturk” and identified “Vulnerable Area – Coastline” area in the background, particularly in the easterly approach along the N59, and with no natural, in-situ screening available (see photographs taken at the time of physical

inspection). In this regard I comment that the applicant (c/o Sean Lucy Assoc.) appears clearly mistaken re. the application sites location within a Co. Dev. Plan 2003 designated “Scenic Route” (see attached maps). I also confirm that at the time of my own physical inspection, and notwithstanding the traffic safety threats consequent of stopping along the N59 approach in this vicinity referenced by the applicant (c/o Sean Lucy Assoc.), several vehicles stopped alongside the N59 with tourists getting out to cross the road to take in the view and photograph the Rosturk Peninsula, Rosturk Castle and Clew Bay.

In my view, the proposed 211.8sq.m. domestic house development would introduce a non-agriculture related type of residential land use more typical of an urban / suburban area, than a rural lowland coastal area of scenic landscape quality which I would have regard to as being particularly sensitive to sporadic prominently located urban generated housing. In this regard I give weighted reference to Dev. Objective DF-HHA 3 which states that within coastal scenic areas “only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed”. This negative impact would be compounded in my view, by the proximity to Rosturk Castle, its cartilage and attendant grounds, which notwithstanding that it is not as yet listed as a “protected structure”, has to date been the single built form feature on the Rosturk peninsula. As shown in the applicants own photographs submitted, I would regard the local Rosturk peninsula landscape outside of the castle walls as being unspoilt (see photographs attached). Contrary to the applicant’s arguments re. Rosturk Castle as existing precedent, I do not believe that this creates licence for unnecessary sporadic single house development on this peninsula. Rather I concur with the arguments made by the 3rd party appellants and Observers that the threat of undesirable precedent comes from the current application for non-agricultural related domestic single house development. In the approach along the narrow private road towards the site, I do believe

this to be the case in the local context, and having regard to the open views northward over the Rosturk Strand floodplain, Clew Bay as designated SAC and the designated “Scenic Route” beyond. I note that the preservation and improvement of these, particularly between roads and Clew Bay is an expressed objective in the Co. Dev. Plan 2003. Having regard to the location of the site, and of the high visibility, I believe that the proposed development would threaten preservation of the scenic beauty of the lowland coastal landscape at this locality of Rosturk, and accordingly that the siting of the proposed development would be contrary to the abovereferenced provisions of the Mayo Co. Dev. Plan 2003.

In this regard the applicant’s arguments may be quite correct that there are landscaping and screen planting / boundary treatment solutions available for virtually all site conditions within the landscape. In fact the Planning Authority’s Condit. No. 17 seeks to ensure this. However, the need to modify the site substantially to accommodate and screen such a development I believe is indicative of the unsuitable nature of this site for development, and itself argues the point that it is not sustainable. This argument would also equally apply to the applicants weighted reference to the “local improvement scheme” benefits, in order to facilitate improved capacity for safe traffic movements along the private agricultural road. Further, whilst located immediately adjacent to (ie: outside) the designated Clew Bay SAC, I validate the 3rd party appellants and Observers arguments that the site forms an extension of these protected habitats.

In conclusion, I concur with the arguments made by all of the 3rd party appellants and the Observers regarding the negative impact of the proposed development on the local rural lowland coastal landscape and associated visual amenity at Rosturk peninsula, and I believe this negative amenity impact to be a fatal flaw in the proposed

development, and accordingly contrary to the proper planning and sustainable development of the area.

(4) **Services and Infrastructure – Road Access, Traffic Safety and Sanitation Services:**

From physical inspection of the Rosturk & Mallaranny area there is clearly evidence of pressure for single housing development outside of the designated settlement areas. In my view, the proposed development would further increase development burden and pressure on an unsatisfactorily serviced rural area served by a poor substandard local rural road network, and would lead to increased demands for the uneconomic provision of public services and facilities in this local context, where they are neither clearly available nor proposed.

Specifically, in consideration of the physical accessibility of the application site, I express concern as to the restricted capacity (ie: due to narrowness, proximity of field fences and the Rosturk castle grounds boundary walls, materials and horizontal and vertical alignment) of the existing narrow cul-de-sac private road to sustain usage by more than the existing adjacent agricultural related activities. In its current form, and without improvements, I am of the view that the narrow private road would certainly not have sufficient capacity to safely and without compromise, properly sustain an increase in ad hoc non-agriculturally related single house development along its length. I express this view notwithstanding the fact that volumes will not be substantially increased (by the proposed development in itself), and that speeds will be slow. I have no doubt that the existing substandard capacity of the lane would be improved by the understood approved “local improvement scheme” (ie: €32,800 granted to a Mr J. McGinty) to which both the applicant and the Planning Authority give weighted regard. However on the limited information available, a fundamental land / legal challenge to the applicant is that the existing private

agricultural road appears to be in the ownership of the 3rd party appellant – Dr. John Healy (ie: stated as 60% ownership), who clearly asserts in the appeal submission that he will not give permission for the improvement works. This threat to the applicant is further compounded by “silence” from Mr J. McGinty identified as the beneficiary of the local improvement scheme grant, with clearly no evidence of any consent in favour of the applicant being made, nor clarity of any commitment to implementation of the improvement works at this location. Whilst the applicant (c/o Sean Lucy Assoc.) points out that the local improvement scheme improvements to the private road do not form part of the application, I argue that without such improvement works, safe and sustainable road access to the site is not possible. Clarity and assurance of such improvement works has not been demonstrated by the applicant, nor the Planning Authority.

Further, as discussed at 6(3) above the unspecified improvement works must be expected to result in scarring and would in my view negatively impact on the existing rural lowland coastal landscape quality and agricultural character of the Rosturk peninsula (contrary to both the provisions of the Co. Dev. Plan 2003, and of the D.o.E’s. Sustainable Rural Housing Guidelines), would compromise the visual amenity currently enjoyed, and would accordingly be contrary to the proper planning and sustainable development of the area. In this regard I strongly share the arguments made by the 3rd party appellants and the Observers against the proposed development. I further express the viewpoint, and acknowledge that there are site-engineering solutions to many problems of physical site suitability. However, the need to modify the site substantially to accommodate such a development I believe is indicative of the unsuitable nature of this site for development, and itself argues the point that it is not sustainable. I would consider such an intervention to be appropriate under exceptional circumstances, such as in so called designated villages or settlement areas, or where the need of the applicant’s occupational

activities and linkages to the land are clear, and no alternative development site exists. This is not considered to be the case, based on the information in the papers on file, and having regard to the extent of the Holme's family landholding in the wider area where more appropriately located options are available to the applicant.

The second challenge concerns the standard and capacity of the junction of the private road with the N59 at the Rosturk Post Office, and associated traffic safety issues. The current spatial and topographical context of this existing junction is clearly shown in photographs no. 8-14 attached, taken at the time of physical inspection. The applicant (c/o Sean Lucy) gives weighted argument to the fact that the application site does not receive direct access off the N59 (in fact argued as the only land parcel in the Holmes landholdings to do so, and therefore having a clear and obvious comparative advantage in compliance with national and local road safety policy), but rather off the private road approx. 900m south of the Post Office junction (the suitability and sustainability of which I have argued against above). In my view, the applicant appears to have not satisfactorily grasped the fact that whilst no new direct access onto the N59 will result, the existing Rosturk Post Office junction is seriously substandard in its topography, configuration and geometry to safely sustain an increase in traffic loading and turning movements. Having thoroughly inspected this junction, with threat to my own safety at the time of inspection, I strongly share the opinions of the 3rd party appellants (Dr J. Healy & M. Kenny), the Observers (B. Healy & An Taisce) and the National Roads Authority (NRA) re. the serious threat to traffic safety consequent of any increased unnecessary loading of this junction. Firstly, no intervisibility of each of the forward approaches along the private road northwards (see photograph no. 14) and along the N59 both eastwards and westwards (see photographs no. 8-10) exists. Secondly, having parked my own car at the end of the private road facing northward onto the N59 junction (see photograph no. 11) I can

confirm that whilst some sightline visibility is available to the west (see photograph no. 13), satisfactory and safe sightline visibility cannot be said to exist to the east (see photograph no. 12), blocked by the NW corner of the Rosturk Post Office building (Co. Dev. Plan 2003 Standard within the 100km.h speed limit is 215m – Table 3, Sect. 4.11.4). In this regard I cannot share the opinion expressed by the Co. Area Engineer that sightlines onto the N59 are acceptable, nor the arguments submitted by the applicant (c/o Sean Lucy Assoc. & Grady Carr Assoc.) in response to the NRA objections. I refer the Board to photographs no. 9 (taken approx, 48m from the junction) and no. 12, illustrative of existing sightline visibility available to the east along the N59. Having left my own vehicle in the junction through the physical inspection, I can verify the concerns argued by Mr B. Healy (observer) in response to the NRA submission, that the narrowness, configuration and geometry of the junction is substandard in the interests of traffic safety (ie: twice vehicles came to a halt on the N59 prevented from making turning movements off the N59 – one farm tractor and one passenger vehicle; and to get a satisfactory view to the eastern approach vehicles have to creep into the junction, causing the reaction of oncoming drivers to cross the solid white line).

Accordingly, I strongly share the serious objection expressed by the National Roads Authority that the proposed development would, if approved, intensify the use of a private lane which accesses onto the N59 at a location where the maximum speed limit (ie: 100km/h) applies (itself contrary to NRA national policy re. control of frontage development on national roads), and that “...by reason of the character and nature of the development would endanger public safety by reason of traffic hazard and obstruction of road users due to additional traffic movement”.

The applicant repeatedly points out that – whilst alternative sites may exist, and are available, these sites access directly onto the N59 and are therefore undesirable from a planning perspective; and that these sites

are only acceptable where no other alternative sites are available. This literal application of policy by the applicant in favour of the current application site, is compromised by the detailed discussion above. In my view, as well as those of the 3rd party appellants, the Observers and the National Roads authority, the proposed development is fatally flawed both in terms of the unsuitability of capacity of both the approx. 900m private agricultural road leading to the site, and the seriously substandard Rosturk Post Office junction to the N59 at a point where the 100km/h speed limit applies, with consequent threats to public safety by way of traffic hazard. Further by way of comparison, whilst alternative site locations within the Holmes landholding may access directly onto the N59, these accesses may rather be more suitable in terms of traffic safety standards than that currently unacceptable at the Rosturk Post office junction. The applicant's (c/o Sean Lucy assoc.) repeated assertions that she already directly accesses the N59, so no new access movements or loading of the N59 will result from the proposed development, is to miss the point. In my view, it is the unnecessary increased loading of the substandard Post Office junction itself which is the fatal flaw. In this regard Sect. 4.11.2(a)(ii) of the Co. Dev. Plan 2003 clearly and properly comes to the rescue of the applicant.

Accordingly I conclude that the proposed development is fatally flawed as follows –

- The site is located on an un-adopted private road, which is seriously substandard in terms of width, alignment and surface treatment, and would therefore, endanger public safety by reason of traffic hazard; and
- the proposed development would, if approved, intensify the use of a private lane which accesses onto the N59 at a location where the maximum speed limit (ie: 100km/h) applies, and that by reason of the character and nature consequent unnecessary intensification of use, would endanger public safety by reason

of traffic hazard and obstruction of road users due to additional traffic movement.

With particular regard to effluent treatment and disposal, and assoc. sanitation issues, I note the brief Test results Co. Co. pro-forma report on file, conducted by Michael Melody – Msc Env. Consultant (dated 31st July 2007). I have also had regard to the topographical, environmental and drainage characteristics of the site observed at the time of physical inspection, most notably the absence of any standing water collection generally on the site, with only marginal level within the trial hole (this after recent rains). In this context, and having further regard to the proposal by the applicant for installation of a proprietary effluent treatment plant (ie: puraflo peat filter system from Bord na Mona, and percolation area – which it would appear requires a pumping system to move the effluent to the percolation area), I am of the view that the precautionary approach taken and proposed by the applicant would pose no clear and obvious threat of ground water pollution. Contrary to the arguments submitted by the 3rd party appellants, I accept the applicants arguments in response that satisfactory compliance has been achieved with Sect. 4.16.4 of the Co. Dev. Plan 2003 (ie: beyond 100m separation distance; site area exceeds 3000sq.m., at 4.48ha; and site width exceeds 40m); and that the recorded T-value of 48 is within the acceptable range set out in the EPA Guidelines for single houses. However, if further single house development were to occur along this stretch of the narrow private agricultural road, and giving weighted regard to the proximity downslope of the Rosturk Strand floodplain and the Clew Bay foreshore (designated SAC), then I would certainly express serious concerns that an over concentration of septic tanks and wastewater treatment units on the Rosturk peninsula, in a limited area, would be unnecessarily prejudicial to public and environmental health. I certainly share the serious concern expressed by An Taisce in this regard against the potential for an excessive level of septic tank

dependent sprawl at this sensitive peninsula location. Whilst in itself the applicants proposal for site surface water disposal to soak pit appears acceptable, I would also apply these concerns to the potential on the peninsula for intensification of disposal of surface / storm water runoff directly down into Rosturk Strand and Clew Bay beyond. In this regard, the proposed development must be reasonably considered as presenting an unnecessary and undesirable precedent for future non-agricultural related domestic single house residential development of the Rosturk Peninsula, contrary to the proper planning and sustainable development of the area.

7. RECOMMENDATION:

Having regard to all of the above, I recommend to the Board that permission for the construction of a house, garage & assoc. site works, all at Rosturk, Mallaranny, Co. Mayo, be REFUSED in accordance with the following schedule:

REASONS AND CONSIDERATIONS

- (1) The proposed development which is located in an exposed and obtrusive position, on a peninsula along the southern shoreline of Clew Bay (designated cSAC), designated as “vulnerable” and within a “scenic route” in the Mayo Co. Dev. Plan 2003 -2009, would be contrary to Development Objectives DDF-HHA 1, DDF-HHA 2 and DF-HHA 3 – “The Dev. Framework – Housing in Coastal Areas and Areas of High Amenity” of the Co. Dev. Plan 2003 which aims to preserve and protect the character of such visual and scenic landscapes and associated amenities. The proposed development would be seriously intrusive of, and injurious to the visual amenity of the lowland coastal landscape and would, therefore, if permitted, by itself or the precedent it would set for similar developments on the peninsula, contravene these objectives, and accordingly would be

contrary to the proper planning and sustainable development of the area.

- (2) The site is located on an un-adopted private road, which is seriously substandard in terms of width, alignment and surface treatment. The proposed development would, therefore, endanger public safety by reason of traffic hazard; and
- (3) The proposed development would, if approved, intensify the use of a private lane which accesses onto the N59 at a location where the maximum speed limit (ie: 100km/h) applies, and that consequent of unnecessary intensification of use of the existing substandard junction, would endanger public safety by reason of traffic hazard and obstruction of road users due to additional traffic movement.

Leslie Howard
Inspector
29/05/08