



An  
Bord  
Pleanála

**Board Direction**  
**BD-006698-20**  
**ABP-306796-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2020.

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.

#### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are the Belmullet/Blacksod Bay Complex Special Area of Conservation (Site Code: 000470) and the Blacksod/Broad Haven Special Protection Area (Site Code: 004037).

#### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement, the associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development are the Belmullet/Blacksod Bay Complex Special Area of Conservation (Site Code: 000470) and the Blacksod/Broad Haven Special Protection Area (Site Code: 004037) in view

of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the development, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on these European sites, having regard to their conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

## **Reasons and Considerations**

It is considered that the proposed dwelling which is located in a structurally weak area where it is the policy of Mayo County Council to accommodate any permanent residential dwelling subject to good planning practice, would not, subject to the conditions set out below, seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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 plans and particulars submitted to Mayo County Council on the 13<sup>th</sup> day of January, 2020, 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 the 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.
  - a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
  - b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. The entrance for the proposed development shall be constructed as indicated on the site layout plans submitted to the planning authority on the 10<sup>th</sup> October, 2019. Details of the proposed recessed entrance shall be agreed in writing with the planning authority prior to commencement of development. Gates shall open inwards only.

**Reason:** In the interest of traffic safety.

4. The proposed front boundary wall shall consist of natural local stone the exact height and location of which shall submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of public health.

6. The finished floor level of the proposed dwelling shall be at 13.5 metres AOD as indicated in the site layout plan submitted to the planning authority on 10<sup>th</sup> October, 2019.

**Reason:** In the interest of visual amenity and to avoid flooding.

7. The proposed garage/shed shall be used only as a private domestic garage/shed and shall not at any time be used for agricultural, industrial or commercial purposes or be converted for human habitation.

**Reason:** In the interest of residential amenity.

8.

- a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

**Reason:** In the interest of public health.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

10. The developer shall inform ESB of the intention to start work and to arrange for diversion of lines if necessary.

**Reason:** In the interest of orderly development.

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

**Reason:** In the interest of visual amenity.

12. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

13. S.48 UnSpec

**Board Member**

**Date:** 12/10/2020

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Stephen Bohan