

An
Bord
Pleanála

Board Direction
BD-009414-21
ABP-310872-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/11/2021.

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

Reasons and Considerations


1. On the basis of the information provided with the application and appeal, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on European sites Nos. 002298 (River Moy SAC) and 004228 (Lough Conn and Lough Cullin SPA), in view of the sites' conservation objectives and as such would be contrary to Part XAB of the Planning and Development Act 2000 (as amended). In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within a Rural Area under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and to National Policy Objective 19 of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence, in order to avoid over-development and to ensure that the provision of single housing in rural areas under urban

influence are provided based on demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating a genuine housing need based on their roots in or links to a particular area in accordance with Section 2.3.1 of the Mayo County Development Plan 2014- 2020, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board considered that, having regard to the density of one-off dwellings in the area, the site's proximity to Lough Conn, which is a public water supply; the lack of detail submitted with the Site Characterisation Form, and the applicable groundwater protection response (R3¹/R2²), the Board is not satisfied, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health. The Board decided not to include this as an additional reason having regard to the substantial reasons for refusal above.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member


Stephen Bohan

Date: 10/11/2021