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Bord  
Pleanála

**Board Order**  
**PL 16.248634**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P16/964**

**Appeal** by Anthony Lavelle of Gortbrack, Pullathomas, Ballina, County Mayo against the decision made on the 11<sup>th</sup> day of May, 2017 by Mayo County Council to refuse permission.

**Proposed Development:** Construction of one number dwellinghouse, domestic garage and wastewater treatment system with polishing filter including all other ancillary site work and services at Gortbrack North, Pullathomas, Ballina, County Mayo.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Matters Considered**

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

## Reasons and Considerations

1. Objectives RH-02, LP-02, LP-03 and VP-01 of the Mayo County Development Plan 2014-2020 all seek to preserve sensitive landscapes, and these objectives are considered reasonable. Having regard to the elevation and exposed location of the site in an area of high scenic amenity and visible from a scenic route with views and prospects designated for protection in Mayo County Development Plan 2014-2020, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape and would detract from the rural character and scenic amenities of the area. The proposed development would, thereby, be contrary to the objectives of the planning authority, as set out in the Mayo County Development Plan 2014 – 2020, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the ground, soil and subsoil conditions observed on the site and given the apparent insufficient depth of unsaturated subsoil between the proposed percolation pipes and the water table, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.

