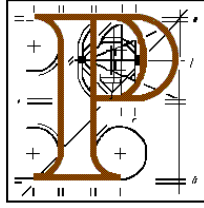


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Mayo County Council**

**Planning Register Reference Number: P17/386**

An Bord Pleanála Reference Number: ABP-300288-17

**Appeal** by Joe Gibbons of Claggan, Kilmeena, Westport, County Mayo against the decision made on the 1<sup>st</sup> day of November, 2017 by Mayo County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a dwelling house, domestic garage, wastewater treatment and disposal system including septic tank, secondary system and polishing filter along with all ancillary site works at Claggan, Kilmeena, Westport, County Mayo.

## **Decision**

**REFUSE permission for the above proposed development based on 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. Section 2.3.4 of the Mayo County Development Plan 2014-2020 states that in areas along the sea, estuaries and lake shorelines (referred to as scenic areas) only planning permission for replacement housing, extensions, or where a farmer has no other land except in those areas, will be allowed and the scenic views will be protected as much as possible. This policy is considered reasonable. On the basis of the documentation submitted with the application and appeal, including landholding maps, and having regard to the coastal location and prominence of the site, it is considered that the proposed development would constitute an unnecessary obtrusive feature on the landscape, and would, therefore, interfere with the character of the landscape at this location, which it is necessary to preserve, and would be contrary to section 2.3.4 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the positioning of the proposed development along the coast, the topography of the site, and the level of cut and fill proposed, it is considered that the proposed development would fail to be adequately absorbed and integrated into the natural landscape and would contravene materially Objective LP-01 of the Mayo County Development Plan 2014-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the slope of the site, the ground conditions observed on site, and the proximity to the Clew Bay Complex Special Area of Conservation (site code 001482), and having regard to the proposed wastewater treatment arrangements, including the pumping of effluent, and to the significant level of proposed site works, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system, and accordingly the Board cannot be satisfied that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on this European site, in view of the site's conservation objectives. The proposed development would, therefore, be prejudicial to public health, would pose an unacceptable risk of environmental pollution, and would be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2018**