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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P18/701**

**APPEAL** by Brusna Valley Preservation Society care of Mary Reilly of Downhill Road, Ballina, County Mayo against the decision made on the 15<sup>th</sup> day of March, 2019 by Mayo County Council to grant subject to conditions a permission to Sean Gallagher care of James Maloney of Unit 5A Moyvalley Business Park, Dublin Road, Ballina, County Mayo.

**Proposed Development:** Construction of a dwellinghouse, wastewater treatment system, sand polishing filter area and other ancillary site works at Knocknalyre or Downhill, Ballina, County Mayo. The proposed development was revised by further public notice received by the planning authority on 20<sup>th</sup> day of February, 2019.

**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. On the basis of the information provided with the application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site – River Moy Special Area of Conservation (SAC) - Site Code: 002298 or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

2. Having regard to the topography of the site and to the extent of proposed site development works for an access point onto the Downhill Road from the site, which would involve the removal of the roadside boundary wall and trees, it is considered that the proposed development would have a negative impact on the amenities and character of this attractive semi-rural area and riverside roadway and would interfere with the character of the landscape. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**