



An  
Bord  
Pleanála

Board Order  
ABP-308423-20

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P19/768**

**APPEAL** by Cathal Hanley care of Quinn Associates of Lisnaran, Breaffy, Castlebar, County Mayo and by Joseph Carey care of Quinn Associates of Lisnaran, Breaffy, Castlebar, County Mayo against the decision made on the 9<sup>th</sup> day of September 2020 by Mayo County Council to grant subject to conditions a permission to Padraic Doherty care of Gaven Joyce of James Street, Westport, County Mayo.

**Proposed Development:** Construct six number self-contained eco pods, with amenity and shower facility building with connection to existing public services, together with associated site works at Mallaranny, Westport, County Mayo. Further public notices were received by the planning authority on the 20<sup>th</sup> day of July 2020 and by An Bord Pleanála on the 31<sup>st</sup> day of May, 2021.

**Decision**

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

*folw*

## **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. Having regard to the information provided with the application and the appeal and the submissions received in response to the section 132 and 137 notices issued by An Bord Pleanála (including a revised Natura Impact Statement (NIS) that was submitted by the applicant on the 29<sup>th</sup> day of March, 2021), the Board was not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Clew Bay Complex Special Area of Conservation (Site Code: 001482), in view of the site's Conservation Objectives. In particular, the Board noted that the proposed construction and extensive infilling works to mitigate potential flood issues were not detailed and assessed within the revised Natura Impact Statement (NIS) and the Board therefore had reasonable doubt as to the actual effects of the proposed development on the adjoining Special Area of Conservation. In such circumstances, the Board is precluded from granting approval/permission.

2. Having regard to the location of the site, in an area which is prone to coastal and fluvial flooding and on the basis of the submissions made in connection with the planning application, the appeal and other responses received, it is considered that there remains an absence of adequate information relating to drainage on site, the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, and that notwithstanding the flood design levels proposed, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the planning principles in section 3.1 of 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities', November 2009, to apply the precautionary approach and to show that alternative more reasonable locations are available in areas at lower flood risk. The proposed development, which is not water compatible, in that it includes sleeping accommodation, would therefore constitute an unacceptable risk of flooding, to future occupants, which would be prejudicial to public health and safety, would be contrary with the said Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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

Dated this *9<sup>th</sup>* day of *September* 2021

