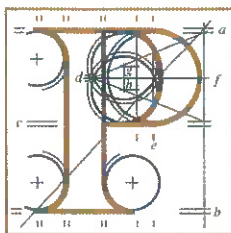


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An
Bord
Pleanála

Board Order
ABP-310218-21

Planning and Development Acts 2000 to 2020

Planning Authority: Mayo County Council

Planning Register Reference Number: 19/1028

Appeal by Tony Doyle care of Edmondson Associates Architects of 15 Upper Baggot Street, Dublin against the decision made on the 13th day of April, 2021 by Mayo County Council to refuse a permission to Tony Doyle for the proposed development.

Proposed Development: The development will consist of (i) construction of a three-bedroom, three-storey house (with two storeys below road level) together with new vehicular entrance off the public road and an artist's studio attached, and (ii) construction of an art centre with gallery and artist's studio, and restoration and conversion of the former Pump House (which was attached to the former Great Western Railway Hotel) to café, replacement of the existing steps down to the Causeway in order to comply with Part K of the Building Regulations and construction of a loading bay adjacent to a new pavement with a new pedestrian entrance leading to a raised timber walkway incorporating a ramp down to the Causeway to provide universal access and to comply with Part M of the Building Regulations, all between the N59 and

Trawoughter Strand, Mulranny, County Mayo, as revised by the further public notice received by the planning authority on the 18th day of March, 2021.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the nature, scale and extent of the proposed development and its location within Mulranny Village, and to the pattern of development in the area, it is considered that the proposed development, would be in accordance with the Economic Development Strategy, as set out in the current Mayo County Development Plan including Objective TM-01 where it is the objective of the planning authority to support and promote sustainable tourism development and where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential, historic or visual amenities of the area. Furthermore, the proposed development would not adversely affect the integrity or setting of protected structures and would result in the refurbishment and reuse of the former pumphouse, which is considered to be a building of architectural heritage value. In this regard, the proposed development would be consistent with Development Plan policy objectives (AH-01, to protect buildings and structures included in the Record of Protected Structures, and AH-03, to ensure that any modification, alteration or extension affecting a protected structure or its setting, is sensitively designed and sited and is appropriate in terms of materials, scale and layout). In addition, the proposed development would not adversely interfere with the character of the landscape, would not seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, subject to compliance with the conditions set out below, be in accordance with the proper planning and sustainable development of the area.

AMSG

Appropriate Assessment: Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, either by itself, or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Clew Bay Special Area of Conservation (Site Code: 001482), and Owenduff/Nephin Complex Special Area of Conservation (Site Code: 000534) which are European sites where the likelihood of significant effects could not be ruled out.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on the Clew Bay Special Area of Conservation (Site Code: 001482), and Owenduff/Nephin Complex Special Area of Conservation (Site Code: 000534), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the site-specific conservation objectives for the European sites,



- (b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, either by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites in view of the Sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operational phases.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 23rd day of November, 2020 and the 18th day of March, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.


Reason: In the interest of clarity.

2. All mitigation measures set out in Section 9 of the Natura Impact Statement submitted with the application shall be implemented in full both during the construction and operational phases. Details of these mitigation measures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the preservation and protection of Natura 2000 sites in the vicinity of the subject site.

3. The external finishes of the proposed dwelling house and café including details of all colours, materials and textures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.



4. A method statement for the refurbishment and reuse of the former pumphouse, retaining as many of the features as possible, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In order to protect the character of the structure.

5. A method statement for the proposed construction of the sculpture trail walkway shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

6. Details of the proposed footpath along the northern boundary of the site between the existing footpath and the steps leading to the Causeway shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and traffic safety.

7. Details of the proposed loading bay to be provided adjacent to the N59 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

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8. Details of all materials including handrails, fencing and lighting associated with the proposed sculpture trail walkway shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development

9. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

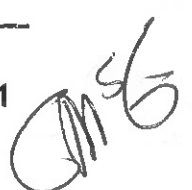
Reason: In the interest of public health.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

11. All trees within and on the boundaries of the site shall be retained and maintained with the exception of the following:

- (a) Specific trees the removal of which is authorised in writing by the planning authority to facilitate the development and the proposed sculpture trail.



- (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens. Retained trees shall be protected from damage during construction works.

Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

12. Details of all public lighting to be provided in accordance with the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the operation of the café. All lighting within the 30 metres of the shoreline shall be appropriately cowled to inhibit light-spill away from the shoreline area.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of all broadband infrastructure within the proposed development.

Reason: In the interest of orderly development.

14. Details of the planned remediation works, as set out in the Invasive Species Management Plan submitted to the planning authority on the 23rd day of November, 2020 shall be implemented in full in carrying out the proposed development.

Reason: To address the issue of invasive alien plant species on site.

15. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Services and details of any such licence shall be submitted to the planning authority.

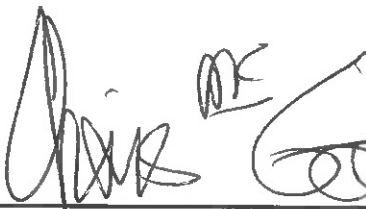
Reason: In the interest of wildlife protection.

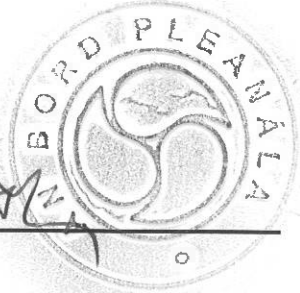
16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.


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



Dated this 5th day of November 2021.