



An
Bord
Pleanála

Board Order ABP-315466-23

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: P21/793

Appeal by Friarscourt Residents Association care of Sandra O'Neill of 39 Friarscourt, Ballina, County Mayo against the decision made on the 12th day of December, 2022 by Mayo County Council to grant permission subject to conditions to Thawside Limited care of David O'Malley and Associates of McHale Retail Park, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 54 number houses consisting of 15 number three-bed detached houses, 14 number four-bed semi-detached houses, 14 number three-bed semi-detached houses, six number three-bed terraced houses and five number two-bed houses including all ancillary site works and connection to public services at Friars Court, Laghtadawannagh, Killala Road, Ballina, County Mayo, as revised by further public notices received by the planning authority on the 25th day of October, 2022 and by An Bord Pleanála on the 4th day of June, 2024.

Decision

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

Reasons and Considerations

The land to the south and west of the Sruffaunbrogue Stream, where the applicant proposes a temporary construction traffic access road, is indicated on floodinfo.ie as being within the 10% Annual Exceedance Probabilities (AEP) Fluvial Flood Extent (that is, High Probability) and the 1% Annual Exceedance Probabilities (AEP) Fluvial Flood Extent (that is, Medium Probability) respectively and there is therefore potential for contaminated run-off from the temporary construction access route to enter the Sruffaunbrogue Stream during a flood event. In the case of the modelled water levels for each of the three Annual Exceedance Probabilities (AEP) scenarios, the temporary construction access route would at its minimum level be 21 metres OD Malin, as stated in the revised Natura Impact Statement submitted to the Board on the 16th day of May 2024, and would therefore be submerged at this/these location(s). The efficacy of silt-fencing along the edge of the temporary construction access, which is intended as a mitigation measure to protect the Sruffaunbrogue Stream from pollutants and sediment laden run-off, would therefore be compromised.

On the basis of the information submitted with the planning application/appeal documentation and the revised 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 Killala Bay/Moy Estuary Special Area of Conservation (Site Code: 000458), Killala Bay/Moy Estuary Special Protection Area (Site Code: 004036) or River Moy Special Area of Conservation (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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 28 day of Sept 2024.