

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 22/862

APPEAL by Peter Bayne of Liss, Shrule, County Mayo against the decision made on the 28th day of February, 2023 by Mayo County Council to grant permission subject to conditions to Mary Jane Craddock care of Patrick J Newell Consulting Engineers of Oaklands, Headford, County Galway for the proposed development.

Proposed Development: Permission for the construction of a serviced dwelling with an effluent treatment system and a garage/shed all at Cregnanagh Townland, Kilmaine, County Mayo. The proposed development was revised by further public notices received by the planning authority on the 2nd day of February, 2023.

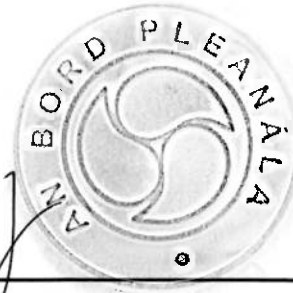
Decision

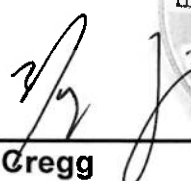
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the location of the site in an area which is prone to pluvial flooding, and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property and public road in the vicinity. It is also considered that the site is not suitable for the disposal of septic tank effluent due to the incidence of pluvial flood risk identified on the appeal lands and the lack of any reasoned assessment of flood risk in the design and siting of the proposed Domestic Wastewater Treatment System. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the provisions of the Code of Practice - Waste Water Treatment and Disposal Systems Serving Single Houses (Population Equivalent ≤ 10), published by Environmental Protection Agency in March 2021, the Board is not satisfied that wastewater generated by the proposed development could be satisfactorily accommodated on site when combined with a well, as the proposed development would not meet the requirements outlined in Table 6.2: 'Minimum separation distances from the entire DWWTs' of the Code of Practice. It is considered that, given the absence of confirmation on file of a public water supply to service the site and notwithstanding the use of a

proprietary wastewater treatment system, there is no information to show that a well can be accommodated on site should a public piped water supply be unavailable. The proposed development would conflict with the provisions of the Code of Practice Domestic Waste Water Treatment and Disposal Systems Serving Single Houses (Population Equivalent \leq 10), Environmental Protection Agency, 2021, and would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.




Mary Gregg

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

Dated this 4th day of March 2024.