

An  
Bord  
Pleanála

Board Order  
ABP-318065-23

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P23/60257**

**Appeal** by John O'Malley and Eibhlin O'Malley care of McGinty Planning and Development Consultants of Mulranny, Westport, County Mayo against the decision made on the 24<sup>th</sup> day of August, 2023 by Mayo County Council to grant subject to conditions a permission to S&N Energies Limited care of Keith O'Connell of Cox's Yard, Distillery Road, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission to (1) retain works already carried out on site; (2) renovate and extend existing cottage; (3) change use of existing shed from agricultural building to living accommodation to be renovated as a granny flat/annex building with upgrade to septic tank and percolation bed together with all ancillary site works at Derrycoosh, Castlebar, County Mayo.

## **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.**

## Reasons and Considerations

Having regard to the relevant provisions of the Mayo County Development Plan 2023-2029, including Objectives RH08, RH011 and INO 8 and section 2.9 of the Development Management Standards, the nature, scale and layout of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or the residential amenities of properties in the vicinity of the site, and would be acceptable in terms of public health. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 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. The main house and "independent living unit" shall be retained in single ownership and shall not be sold or let separately. The "independent living unit" shall only be occupied by members of the immediate family of the occupier of the main house.

**Reason:** In the interest of proper planning and sustainable development of the area.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

4. The existing septic tank on the site serving the existing dwelling, shall be decommissioned and shall be replaced with a new treatment system. Immediately upon commissioning of the new treatment system, the septic tank on the site shall be emptied (the contents appropriately disposed of) and rendered inoperable by filling with gravel or other suitable fill material and the percolation area shall be thoroughly disinfected.

**Reason:** In the interest of orderly development, public health and elimination of a public nuisance.

5. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the wastewater treatment system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

- 6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.


**Reason:** In the interests of visual and residential amenity

- 7. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

8. 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.

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

Dated this 23<sup>rd</sup> day of May 2024.