



An
Bord
Pleanála

Board Order ABP-320305-24

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 24/60003

Appeal by John and Nora Mallon of Tawnaghmore, Foxford, County Mayo against the decision made on the 4th day of July, 2024 by Mayo County Council to grant subject to conditions a permission to Janice Wills care of Stephen Maughan of Moy Valley Business Centre, Bunree Road, Ballina, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new on-site wastewater treatment system, together with all ancillary site development works at Tawnaghmore, Foxford, 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 requirements of the EPA Code of Practice for Wastewater Treatment and Disposal Systems for Single Dwellings, and Policy Objective INO8 of the Mayo County Development Plan 2022-2028 with respect to the installation of wastewater treatment systems, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with the requirements for the appropriate treatment of wastewater, would not be likely to have a significant effect on European Sites, and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228) and the River Moy Special Area of Conservation (Site Code: 002298) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Conn and Lough Cullin Special Protection Area (Site Code: 004228) and the River Moy Special Area of Conservation (Site Code: 002298) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24th day of April, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the application shall be installed unless agreed in writing with the planning authority.

- (b) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the occupancy of the dwellinghouse and, thereafter, shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (c) Surface water soakaways shall be located such that the drainage from the dwellinghouse and paved areas of the site shall be diverted away from the location of the polishing filter.
- (d) Within four weeks of the installation of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 08 day of April 2025.