

An
Coimisiún
Pleanála

Commission Order
ABP-321955-25

Planning and Development Acts 2000 to 2024

Planning Authority: Mayo County Council

Planning Register Reference Number: 24504

Appeal by Michael Hunter care of MFA Consulting Engineers Limited of Block B, Innovation Quarter Ballina, Tone Street, Ballina, County Mayo against the decision made on the 31st day of January, 2025 by Mayo County Council to grant permission, subject to conditions, to Margaret Harte care of Joseph Doherty and Associates, Pearse Street, Ballina, County Mayo for the proposed development.

Proposed Development: The development will consist of retention of removal of hedgerow alongside road and construction of new concrete railing in its place, previously granted under planning authority Register Reference number P09/672, at Mullauns, Ballina, 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 2022-2028, to the site specific characteristics, including the location alongside the established roadway, and to the modest nature of the development for which retention permission is sought, it is considered that, subject to compliance with the following conditions, the development for which retention permission is sought, would not seriously injure the amenities of the area, would be acceptable in terms of design and form, would not adversely impact on traffic and would otherwise constitute an appropriate form of development at this location. The development for which retention permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

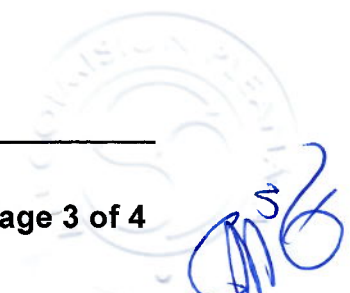
In deciding not to accept the Inspector's recommendation to refuse permission, the Commission first off agreed in full with the Inspector that the existing road carriageway alongside the site of the subject development has not been obstructed or reduced in width and on this basis the Commission determined that no impact on the use of the adjoining roadway arises as a consequence of the development. The Commission also considered the facts of the case, including the removal of the hedgerow and considered that this removal can be appropriately mitigated by reference to a conditioned requirement for new planting within the subject site area. Furthermore, the Commission determined that the guidance at section 2.6 of the development plan relating to boundary design, whilst acknowledged, is not binding insofar

as it presents an absolute exclusion of other types of material. In any case, the Commission determined that the imposition of a landscaping condition as part of the grant of permission will ensure a more appropriate final form of boundary design and associated biodiversity contribution at this rural location.

Conditions

1. The development for which retention permission is sought shall be 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. Within three months of the date of this Order, the developer shall submit, for the written agreement of the planning authority, a landscaping plan for the subject site, using only indigenous deciduous trees and hedging species, inside the line of the boundary railing as detailed on the application drawings. The landscaping plan shall take account of the requirements of the planning authority which regard to sightlines at the junction of the side road and local road (L5116). The landscaping plan shall be implemented in the first planting season after receipt of written agreement from the planning authority.

Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the agreed landscaping plan, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and enhancement of biodiversity.



Chris McGarry

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this

20th day of June

2025.