



An
Bord
Pleanála

Inspector's Report ABP-300640-18

Development	House
Location	Dooagh, Keel West, Achill, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/617
Applicant(s)	Patrick MacNamara
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Patrick McNamara
Observer(s)	None
Date of Site Inspection	4 th May 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the northwestern side of Achill Island. The site is approx. 1.5km west from Dooagh village centre and is accessed off the northern side of the R319, which is a coastal route.
- 1.2. The site, which has a stated area of 0.5 ha, is a greenfield site, approx. square in shape. The site is accessed via an existing unsurfaced access road from the R319 and approx. 98m north of the R319.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Detached two-bed single storey dwelling, 85sqm in area, with an overall height of 5.5m.
 - A 1.5m high planted screen earth mound is to be located to the south of the dwelling and planter screens are indicated to the northeast and north of the dwelling. The finished floor level is proposed to be lower than the surrounding ground level.
 - Water supply and wastewater treatment will be via existing mains and public sewer.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for two reasons, which are summarised as follows:

R1: Proposed development contravenes Objective VP-01 as it would adversely impact on a designated scenic route and scenic prospect.

R2: Proposed development does not comply with policy objective 2.3.4 of the development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Road Design Office: No objection.

Mayo National Road Design Office: No objection.

3.3. Prescribed Bodies

An Taisce: Object to the proposed development, which is located outside of an existing settlement cluster on an open, elevated and exposed site on a designated scenic route. Proximity to SACs noted. Proposal would lead to proliferation of one-off housing in a sensitive and scenic location, militate against the preservation of the rural environment, and lead to demands for the provision of further public services and community facilities.

3.4. Third Party Observations

None.

4.0 Planning History

None.

5.0 Policy Context

5.1. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- Section 3.2.3, Rural Generated Housing
- Section 3.3.3, Siting and Design

5.2. Mayo County Development Plan 2014-2020

5.2.1. The appeal site is not governed by any specific zoning objectives.

5.2.2. Volume 1, Written Statement. The following policy is of relevance:

- VP-01: It is an objective of the Council to ensure that development does not adversely interfere with views and prospects worthy of preservation and protection as outlined on Map 4, or on the views to and from places and features of natural beauty or interest (e.g. coastline, lakeshores, protected structures, important historic sites) when viewed from the public realm.

5.2.3. Volume 2, Planning Guidance and Standards

- Section 2.3.3 Rural Area Type: Structurally Weak Area – permanent residential development will be accommodated subject to good planning practice.
- Section 2.3.4: In areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible.

The following objectives, which are summarised hereunder, are of relevance:

- RH-02: Rural Design Guidelines for Rural Housing (Mayo County Council).
- LP-01: Development will not have a disproportionate effect on the character of a landscape in terms of location, design and visual prominence.
- LP-02: Landscape Appraisal of County Mayo to be considered.
- LP-03: Protection of the unique landscape.

5.2.4. **Landscape Appraisal of County Mayo:**

- Site is located north of the R319, which is designated as a scenic route with protected views.
- 3.6(b) Policy with regard to scenic routes: The onus should be on the applicant ... to demonstrate that there will be no obstruction or degradation of the views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas.
- 3.7 (b) Policy with regard to protected views: New development should only be considered where it can be demonstrated that it does not obstruct of designated

highly scenic vistas nor alters or degrades the character of the surrounding landscape.

5.2.5. **Mayo Rural Housing Design Guidelines 2008**

The rural house design guide aims to encourage the use of traditional forms, scale and materials that have a proven history of blending into the landscape.

5.3. **Natural Heritage Designations**

Croaghaun/Slievemore SAC (001955), is located to the north and south of the appeal site, with the entrance route to the site adjoining this SAC. Achill Head SAC (002268) adjoins Croaghaun/Slivemore SAC to the south.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of appeal are summarised as follows:

- The proposed site is 150m from a new dwelling and older residence to the southwest in addition to 10 purpose build holiday homes adjacent to the Hotel Corrymore House.
- The unsurfaced road is an old cattle track. Applicant has his own independent access onto the R139 which can be developed if required.
- The site is not located in an urban pressure area, as defined in the Mayo Development Plan 2014-2020. As the site is on the landward side of the R319, it will not interfere with views and prospects, as per map 4.
- The floor level of the dwelling is 20m above the R319. This is not considered elevated given Achill has mountain peaks above 640m. The floor level can be lowered if required. The site is set against rising ground to the rear and is not therefore visually prominent.
- The site is not located in the SAC area and is fully serviced with public sewerage, public water and a power supply close by.

- With regard to section 2.3.4, the applicant is a sheep farmer and a fish farmer and this is the only plot of land in his ownership. The applicant currently lives with his parents.
- Achill is a structurally weak area, with population decline recorded, falling from 4906 in 1951 census to population of 2440 in 2016 census.

6.2. Planning Authority Response

None.

6.3. Observations

One observation has been received, which is summarised as follows:

- The applicant does not own or control the land. The red line boundary on the site location map does not incorporate the existing 'track' and therefore cannot be upgraded by the applicant. The development could not be implemented in the absence of third party consent/right of way. The applicant states he could develop a new track if necessary. However, this would create a new entrance onto a regional road.
- The lack of ownership means the applicant could not connect to the existing public sewer manhole shown on the drawings.
- The ground conditions on the site are not suitable for construction. There are turf cutting/turburary rights on adjacent land parcels. The proposal could result in peat slippage. No analysis of ground conditions has taken place.
- The site is in close proximity to SACs. No Appropriate Assessment or Screening has been undertaken.
- There are severe restrictions in place for building in coastal/scenic areas.
- The applicant has not provided any details of where his farm is located.
- The site is designated as vulnerable in the Mayo County Landscape Appraisal, on a designated scenic route and adjacent to designated scenic views.
- The proposed development would penetrate a ridge line, would interrupt a natural slope, would break up smooth terrain and therefore cannot be absorbed into the

landscape without causing significant visual impact, contrary to development plan policies.

- The proposal would undermine the main tourism asset of the area, ie the landscape, with the site being alongside the hugely successful Wild Atlantic Way, close to Keem Strand, which is of national landscape significance.
- Precedent quoted by the applicant is not comparable as they are not atop the ridge line of exposed areas. The proposed screen would itself have a significant visual impact and would not screen the dwelling. The suitability of the site for screen planting is questionable.
- The proposal is contrary to Rural House Design Guide.
- The Boards attention is drawn to other relevant ABP decisions, 247785, 248634 and 246986.
- Validity of the application by reference to inadequate public notices is questioned.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Rural Housing Policy
- Visual Amenity
- Access Road
- Appropriate Assessment

Rural Housing Policy

7.2. Section 2.3.4 of the Mayo County Development Plan states that in areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible.

7.3. I note that Achill is identified in the development plan as a structurally weak area where permanent residential development will be accommodated subject to good planning practice. However, in accordance with Section 2.3.4, only permission will be considered where the applicant is a farmer with no other land and where scenic views will be protected as much as possible. I note the applicant states that he is a farmer but there is no indication given as to where the farm is located and the plot of land on which the site is located does not appear to be part of a larger farm. I am not satisfied that the applicant has established a need for a dwelling at this location and that the scenic amenity of this elevated and exposed site can be satisfactorily protected with this development.

Visual Amenity

7.4. The applicant considers the proposed dwelling can be accommodated at this location without impacting on the scenic value of the landscape, given the proposed dwelling is on the landward side of the coast. The site, which is 20m above the R319, is not considered elevated given the nature of the landscape in this area and a screening mound is proposed. Furthermore the applicant considers that given his farming status and the site's location within a structurally weak area, the proposed dwelling is appropriate.

7.5. The location of this site within a scenic and sensitive rural area is in my view of greatest concern. The subject site is located on the land side of the R319, with an existing unsurfaced access road leading from the R319 to the site. The site, which comprises a blanket peat soil with rocky outcrops visible in the area, is elevated and falls down toward the R319, with significant views over the Atlantic Ocean to the south and back toward Dooagh Village to the east. The R319 is considered a scenic coastal location, with Map 4 of the Mayo County Development Plan identifying 'scenic views' looking north from the R319 toward the site and 'highly scenic views' looking south from the R319. While there are a number of one-off dwellings on the road leading west from Dooagh and west of the site, there are no visible dwellings at or beyond this location looking north from the R319 and at this point the landscape is more distinctly rural, beyond the environs of the village settlement.

7.6. It is my view that the proposed development at this scenic, coastal area, in very close proximity to the sea, has the potential to detract significantly from the amenity

and character of the area and the landscape, particularly given the elevated and exposed nature of the site. I am not satisfied that the mitigation measures proposed of a mound and reduction in finished floor area of the dwelling would satisfactorily address these issues and the modifications to the natural environment required to accommodate the dwelling would impact negatively on the character of the existing landscape and result in loss of rural habitat. Overall, it is my opinion that the proposed dwelling would form a discordant and obtrusive feature on the landscape at this location; would be seriously injurious to the visual amenities of the area, and if permitted would set an undesirable precedent for further similar development in the vicinity. The proposed development would be contrary to objective VP-01 and LP-01 of the development plan given the impacts on the character of the landscape at this sensitive coastal location and impact on views and prospects worthy of preservation and protection.

Other Matters

- 7.7. The applicant proposes to upgrade an existing unsurfaced access road from the R319 to gain access to the site. I note that this track is outside the red site boundary line and the applicant has not demonstrated sufficient legal interest to carry out works on this access road. While the applicant states that an access could be provided along the strip of land west of the existing track, which is in his ownership as indicated on the site location map, insufficient detail has been submitted in this regard and I am not satisfied that the proposed dwelling can be accessed in a safe manner from this regional route.

Appropriate Assessment

- 7.8. The main body of the subject site is located within 90 metres of Croaghaun /Slievemore SAC (001955), with the proposed access road to the site being adjacent to the boundary of the SAC. Achill Head SAC (002268) is also in close proximity to the site.
- 7.9. Croaghaun/Slievemore SAC (001955) has been selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive:[4010] Wet Heath, [4030] Dry Heath, [4060] Alpine and Subalpine Heaths, [8110] Siliceous Scree, and [8220] Siliceous Rocky Slopes.

- 7.10. Achill Head SAC (002268) has been selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive: [1140] Tidal Mudflats and Sandflats, [1160] Large Shallow Inlets and Bays, and [1170] Reefs.
- 7.11. The issue of impacts on this designated site was not dealt with in the original application and no Screening Report for Appropriate Assessment was submitted with the application. From site inspection, I note the proposed dwelling is to be constructed on what appears to be blanket peat, with bedrock close to the surface. It is stated that the proposed dwelling is to be connected to a public watermain and a public sewer. The risk factors to the SACs from this development therefore primarily relate to surface water, which acts as a source – pathway – receptor. All surface water flows toward the SAC and no information has been submitted with the application as to how surface water is to be addressed, however a regional road with associated drainage separates the site from the SAC. While I query the suitability of the site for development given the ground conditions of peat and resultant loss of habitat to this landscape, I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction to the Natura 2000 sites and subject to best practice in relation to attenuation during the operational phase, the potential for impact on the water quality within the designated sites is remote. The proposal for connection to the public foul network would mitigate any potential for impacts from wastewater to the groundwater.
- 7.12. It is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 001955 (Croaghaun /Slievemore SAC), European Site No. 002268 (Achill Head SAC) or any other European Site, in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that permission for the proposed development be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

1. Section 2.3.4 of the Mayo County Development Plan 2014-2020 states that in areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible. This policy is considered reasonable. Having regard to the coastal location of the site, it is considered that the applicant has not demonstrated a housing need at this location, the proposed development would be contrary to section 2.3.4, would militate against the preservation of the rural environment, and would seriously injure the amenities of the area.
2. Having regard to the positioning of the proposed development along the coast and a designated scenic route, and given the topography of the site, it is considered that the proposed development would fail to be adequately absorbed and integrated into the natural landscape and would be contrary to objective VP-01 and objective LP-01 of the Mayo County Development Plan 2014-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The applicant is proposing works outside the red site boundary line indicated on the proposed site location map and has not demonstrated sufficient legal interest to carry out said works, which are required to provide improved vehicular access to the site. The Board is not satisfied therefore that the proposed development can be satisfactorily accessed and would not endanger road safety by reason of traffic hazard.

Una O'Neill
Senior Planning Inspector

16th May 2018