



An
Bord
Pleanála

Inspector's Report ABP-301712-18

Development	Demolition of a guesthouse and construction of a 2-storey guesthouse with associated facilities including bar, restaurant and function room
Location	Knocknaglana, Pontoon, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/570
Applicant(s)	Pontoon Angler's Hotel Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Éilis Healy
Observer(s)	None
Date of Site Inspection	3 rd September 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of the R310 and R315 regional roads in the townland of Knockaglana in Pontoon, approximately 15km north of Castlebar and 16km south of Ballina, by the shores of Lough Cullin in County Mayo. The surrounding area is characterised by a small cluster of buildings and structures nestled within the bog myrtle-covered terrain and woodlands of Knockaglana hill.
- 1.2. The site, measuring a stated 0.6ha, contains a two-storey guesthouse premises, formerly known as 'Healy's Hotel', which comprised 14 no. guestrooms and a bar and restaurant overlooking the lake. It is stated that the guest accommodation was subject of extensive fire damage in 2011 and has not operated since. It is also stated that the bar and restaurant last operated in 2016. To the rear of the site is a car park and service areas and various single-storey buildings and temporary structures associated with the former guesthouse. The southern corner of the site sits on the regional road junction, with approximately 100m site frontage onto both the R310 and R315 regional roads. The southeastern roadside boundary along the R310 is partially marked by stone walls, with 11 no. car parking spaces along the eastern end. The southwestern roadside boundary with the R315 is primarily marked by a mix of fences, trees, hedgerows and stone walls. The wastewater treatment system for the premises is located along the northern boundary.
- 1.3. Land levels vary by approximately 8m across the site, rising gradually from the southeastern roadside boundary moving back into the site, before rising steeply towards the rear half of the site to the northern corner. The site is set against the backdrop of the wooded lower slopes to Knockaglana hill and there are a number of mature trees on site. There are Protected Structures in the vicinity of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
 - demolition of a two-storey guesthouse and all associated outbuildings with a total stated gross floor area (GFA) of c.1,121sq.m,
 - construction of a two-storey guesthouse fronting onto the R310 regional road with a GFA of c.1,283sq.m, containing a bar, a lounge, a function room and

associated service and staff areas at ground floor, as well as 14. no guestrooms, two treatment rooms, two staff rooms and associated stores and plant areas at first floor;

- construction of a single-storey detached storage building to the rear of the guesthouse with a GFA of c.70sq.m;
- revised boundary treatment, vehicular access and parking arrangements to provide a single entry / exit and a bus set-down area off the R310 to the south and a total of 61 no. car park spaces to the side and rear, including four accessible spaces;
- repairs and maintenance of the existing wastewater treatment system and connection to mains water supply;
- decommissioning of underground fuel tanks associated with former fuel pumps;
- all associated groundworks, including extensive soft and hard landscaping throughout and an external seating area to the front.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by the architect's Design Statement, an Existing Building Report, a Landscape Plan, an Invasive Species Management Plan, an Ecological Impact Assessment & Appropriate Assessment Screening Report, a Flood Risk Assessment, a Traffic & Transport Assessment and a Road Safety Audit (Stage 1).

2.3. As part of the applicant's response to the Planning Authority's further information requests, a selection of the drawings and reports originally submitted were updated and revised, while a Fuel Tank Decommissioning Method Statement and additional details regarding the existing wastewater treatment system were submitted.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 22 no. conditions, which are generally of a standard nature, including the following:

Condition No.2 – revisions to the front glazed element and the internal ground-floor layout;

Condition No.4 – material finishes and restrictions on exempted development;

Condition No.10 – submit a Construction Environmental Management Plan;

Condition No.11 – submit an Environmental Monitoring Plan;

Condition No.21 – submit an Invasive Weed Species Management Plan.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Authority noted the following:

- the site is not within an Architectural Conservation Area (ACA), nor is it included within the Record of Protected Structures (RPS) or the National Inventory of Architectural Heritage (NIAH);
- the Planning Authority initially had reservations regarding demolition of the existing building on site, as it would not comply with the objectives (AH-06 and AH-10) of the Mayo County Development Plan 2014-2020;
- design of the proposal is acceptable, subject to modifications to the front glazing elements;
- proposals to raise the building floor level to address flood risk are acceptable;
- further information was requested with respect to road safety, visibility at the vehicular exit, details of the wastewater treatment system, the contents of the Ecological Impact Assessment and the Appropriate Assessment Screening Report;

- clarification of further information was requested with respect to the contents of the Ecological Impact Assessment and the Appropriate Assessment Screening Report.

3.2.2. Other Technical Reports

- Environment Section – further information and clarification of further information initially requested and subsequently stated no objection subject to conditions;
- Executive Engineer (Roads) – further information initially requested and subsequently stated no objection subject to conditions;
- Mayo National Roads Design Office – no objection;
- Water Services – further information required (flood risk).

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht – further information required regarding Appropriate Assessment (AA);
- An Taisce – no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the Planning Authority, two submissions were initially received, one from a resident of Terryduff townland, 2.5km to the northwest of the site and one from a resident with an address in Dublin. The submission from the resident of Terryduff was accompanied by a letter from the Planning Authority Conservation Officer dated 1st June 2016 referring to the process involved in consideration of the addition of Healy's Hotel to the RPS. The submission from the resident of Dublin was accompanied by various historical references, photographs and images of the lakeside bay area, including the appeal site. The submissions can be summarised as follows:

Architectural Heritage

- retention and reuse of the existing building would be more appropriate, as the extent of dilapidation is limited and as part of this there is scope to address energy efficiency, Building Regulations and fire safety requirements;
- the building on site is to be considered for inclusion in the RPS and the immediate area is also to be considered for designation as an ACA. Objective AH-10 of the Development Plan also supports reuse of the vernacular built heritage of the County;
- proposals would reduce the collective impact of the historical buildings within this lakeside bay area, while also failing to recognise the economic and social value of retaining the existing building;
- the proposals presented are not the most appropriate in maintaining the site as a destination into the future or in respecting the historical heritage of the area;

Visual Impact & Design

- the proposed design is a pastiche of the existing building, that is lacking in character and does not respond sufficiently to the site characteristics and wider environmental context;
- the surrounding area is of high visual amenity and historic importance, including buildings listed within the NIAH and the RPS;
- the view towards the guesthouse along the Castlebar road is identified within the Landscape Appraisal of County Mayo as being of particular merit, while the lakeside road is identified as a 'scenic route';
- design of the proposed building is not appropriate for the location, would be visually obtrusive and would fail to respect the character of the immediate environment, including neighbouring historical structures;
- raising the finished-floor level (ffl) to address flood risk would increase the visual impact of the proposals;

Other Matters

- bats previously roosted in the building;

- public transport services (Bus Éireann route 456 and Expressway route 52) serving the site are infrequent;
- revised layout only provides for moderate gains in road safety and represents a missed opportunity.

3.5. Additional submissions were received from both third-parties referred to above following receipt of significant further information by the Planning Authority. These submissions reaffirm their previous comments and can be summarised as follows:

- the Planning Authority report raises concerns regarding the loss of the existing building, yet the Planning Authority further information request did not require this matter to be addressed;
- exploration of the reuse of the existing building has not been sufficiently undertaken, possibly considering a different commercial approach respectful of the history of the area and the building;
- the sensitivity of the area to development is evident in terms of habitat, ecosystems and landscape, consequently, a precautionary approach should be taken given the current lack of protected status for the building;
- Additional historical images of the site and immediate area are included.

4.0 Planning History

4.1. Appeal Site

4.1.1. Recent planning applications relating to the appeal site, include the following:

- Mayo County Council (MCC) Ref. 06/1930 – permission granted in February 2007 for upgrade of the on-site effluent treatment plant and effluent polishing filters, including the need to comply with Discharge Licence No. WP(W)100;
- MCC Ref. 00/2048 – retention permission and permission granted in November 2000, for extensions and alterations to the guesthouse.

4.2. Surrounding Sites

4.2.1. I am not aware of recent relevant planning applications in the immediate vicinity.

5.0 Policy Context

5.1. Mayo County Development Plan 2014-2020

- 5.1.1. The policies and objectives of the Mayo County Development Plan 2014-2020 are relevant. Section 4 of the Plan provides the Planning Authority's strategy with respect to the environment, heritage and amenities.

Objectives

- 5.1.2. The appeal site is within the 'Landscape Protection Policy Area 3a – Lakeland Sub-Area', according to Map 3a of the Development Plan. The landscape assessment for this Policy Area in the 'Landscape Appraisal of County Mayo' accompanying the Plan, outlines that this is a distinctive area bounding Lough Conn, where policy should protect lake vistas. Based on the Landscape Sensitivity Matrix (Figure 3), in the Plan, commercial development in Policy Area 3a has medium potential to create adverse impacts on the existing landscape character.
- 5.1.3. Map 4 of the Development Plan illustrates that the regional roads (the R310 and the R315) bounding the site are scenic routes. No scenic views towards the appeal site or in the immediate vicinity are identified. The following landscape protection objectives are listed:
- LP-01 – ensure development is appropriate to the landscape;
 - LP-02 – consider development in the context of landscape sensitivity;
 - LP-03 – protect the landscape;
- 5.1.4. Other relevant sections within Section 4 of the Development Plan include:
- flooding and soil erosion, including Objective FS-01 restricting inappropriate development in areas at risk of flooding;
 - water quality, including Objective WQ-02 requiring development to adhere to Environmental Protection Area (EPA) standards in unserved areas;
 - natural heritage, including Objective NH-01 to protect, enhance, conserve sensitive ecological areas and Objective NH-07 to control the spread of invasive species;

- archaeological heritage, including Objective AoH-01 (c) requiring an archaeological assessment of development lands greater than 0.5ha;
- architectural heritage, including Objective AH-02 to review the RPS including Ministerial recommendations arising from the NIAH and Objective AH-10 to promote the sympathetic maintenance and re-use of vernacular built heritage. Objective AH-06 of the Plan states the following:

‘It is the objective of the Council to identify places of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and to define them as Architectural Conservation Areas and to undertake an assessment to inform the potential ACA designation for the following areas: a. Ballinrobe, b. Killala, c. Pontoon and d. Dugort’

Development Standards

- 5.1.5. Part B of Volume 2 to the Development Plan includes guidance and standards with respect to various development categories, including tourism. The Plan states that proposals for tourism development must be sensitively located and should not interfere with or detract from areas of special amenity value or nature conservation. They must also be in keeping with the traditional character of the area in terms of scale and design, while also being sustainable.
- 5.1.6. The Plan states that tourism developments should be located in existing settlements, unless the development has specific location needs that cannot be met within an existing settlement and the development is of strategic importance to the area, or if the development involves the re-use and adaption of existing rural buildings.
- 5.1.7. Section 58.2.3 of the Plan states that ‘where it is claimed that development has specific location needs, applicants will be required to indicate why such requirements cannot be met in an existing building(s) in an existing settlement, in a new building in an existing settlement, or in an existing building outside a settlement’.
- 5.1.8. Section 16 of the Plan outlines requirements with respect to vehicular entrances and assessments. Table 12 of the Plan outlines that one car parking space is required per bedroom in a hotel plus one space per employee/shift. The table also states that spaces should be added for bar/restaurant/leisure centre or other categories, as

relevant. For every 1,000sq.m of hotel development, 50sq.m of service area should be provided.

5.2. National Guidelines

5.2.1. The following National Guidelines are relevant:

- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- The Planning System & Flood Risk Management - Guidelines for Planning Authorities.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- a detailed historical overview of the premises and the Knockaglana area is provided outlining the history of the building dating back to its use as a Mail Coach changing station in 1836, to use as a small fishing lodge and inn in 1895 and subsequent fire damage, which destroyed part of the premises in 2011. It is stated that this caused structural damage to the north gable of the building, which necessitated the closure of guestrooms;
- prior to the fire damage in 2011, the premises operated as a guesthouse and comprised 14 bedrooms, a dining/function room with capacity for 70 to 80 patrons, a lounge bar and a public bar;

Architectural Heritage

- the permission provides for unwarranted demolition of a building of historical significance, as initially recognised by the Planning Authority, which would be contrary to objectives of the Development Plan;
- the building is in an area listed for assessment as an ACA and the building is also to be considered for listing in the RPS. This shows the likely intent of the Planning Authority with regard to future designations of the property;

- an overwhelming case for demolition of the building is required and this has not been presented by the applicant;
- the existing guesthouse building is an authentic, appropriate and established landscape feature at the centre of a view identified for preservation and protection in the County Development Plan and in an area of historical artistic importance;
- there remains scope to bring the former structure back into reuse via sensitive design and conservation techniques, to provide for a low impact development;
- the subject proposals provide modest gains, while having significant cost to the locality and wider environment;

Visual Impact

- the proposed development would have a greater impact on the visual amenities of the area than the present structure and it is visually obtrusive;
- the proposed building, including pastiche design and elevated floor level to address flood risk, would not be in keeping with the surrounding context, including Protected Structures, and it would not sit into the landscape in the same manner and spirit as the original building;
- the proposed building design would introduce inappropriate quasi-urban elements into a rural setting and would not be in keeping with the vernacular tradition.

6.2. Applicant's Response

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

- the discursive and subjective nature of the appeal, focussing on nostalgic sentiment, strays from the core facts relating to the existing development and the assessment of the proposed development;
- the existing building has evolved and been reconfigured in a piecemeal manner from its single-storey 19th-century structure, to become a building that has lost its original character;

- the owners of the property have not been notified of any intention to include the structure in the RPS and the completed NIAH survey does not include the building, although neighbouring structures are included;
- the existing building is not a Protected Structure, and therefore would need to conform with all relevant Building Regulations. The layout and fabric of the building would render compliance with Building Regulations an insurmountable task;
- flood risk mitigation measures form an integral aspect of the building design and the overall layout of the proposals;
- it is acknowledged that the building is a pastiche and that the architectural rationale for same, is provided in the Design Statement accompanying the planning application;
- the proposed development is sustainable in providing a social and economic amenity for the locality, while mitigating against all potential negative environmental impacts.

6.3. Planning Authority Response

6.3.1. The Planning Authority response to the grounds of appeal can be summarised as follows:

- the applicant made a compelling case for the demolition and replacement of the existing building, given the limited potential to harness a viable development opportunity within the confines of the existing building;
- the area is not an ACA, nor is the building within the RPS or the NIAH;
- the area is recognised as being of scenic merit, however, the Planning Authority assessment concluded that the proposed development would be sympathetic to this context and would not interfere with this, whereas a 'do-nothing' approach would be more detrimental to the amenities of the area. Therefore, the replacement build approach offers a more sustainable development approach for the future longevity of the site;

- an increase in finished-floor level for the guesthouse is necessary to address flood risk;
- the site location is appropriate, as it would re-establish the tourist accommodation and associated services that were previously provided on site;
- the Planning Authority are satisfied that the proposed development complies with all relevant objectives of the Development Plan and that it is in accordance with the principles of proper planning and sustainable development of the area;
- the Planning Authority has no immediate timeframes to undertake an assessment to inform potential ACA designations for the Pontoon area;
- the Planning Authority would be satisfied to allow the parking provision to be revised to reflect the proposals originally submitted by the applicant (i.e. gravel surface).

6.4. Observations

6.4.1. Transport Infrastructure Ireland stated that they have no observations regarding the proposed development. An observation received from Inland Fisheries Ireland can be summarised as follows:

- Lough Cullin is an important trout and salmon fishery and forms part of the River Moy candidate Special Area of Conservation (cSAC), which is designated for protection;
- All repair works outlined in the application for the existing wastewater treatment system must be carried out and assessment by a qualified person and this requirement should form a condition of the permission;
- The observer sets out detailed requirements with respect to wastewater treatment system, including the need to fit an alarm in the case of mechanical breakdown or pump failure, compliance with minimal storage capacities and the need for a commitment to servicing the system;

- Grease traps, bunding of fuel containers etc., an Emergency Response Plan and installation of a discharge sample chamber are also requested.

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development would comprise the demolition of an existing vacant guesthouse including bar and restaurant facilities. The applicant intends to redevelop the site by constructing a replacement guesthouse of similar scale, nature, design and positioning to the previous guesthouse. Various upgrade works are proposed as part of the redevelopment of the property.

7.1.2. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Architectural Heritage;
- Visual Amenities;
- Siting & Design;
- Flood Risk;
- Wastewater Treatment;
- Ecology;
- Traffic Safety.

7.2. Architectural Heritage

7.2.1. The grounds of appeal assert that the existing guesthouse should not be demolished, as it is of historical importance worthy of preservation and as it forms part of a cluster of historical structures. The grounds of appeal refer to Development Plan objectives seeking the renovation and reuse of the vernacular built heritage and they assert that an overwhelming case for demolition of the building has not been presented by the applicant. It is also asserted by the appellant that demolition of the building is not warranted, as it is in an area listed for consideration as an ACA, while the building is also to be considered for listing in the RPS and this shows the likely

intent of the Planning Authority with regard to future designations of the property. It is stated that the building on site was first used as a Mail Coach changing station, and in 1895 a fishing lodge and inn was first operated from the site. The original lodge or guesthouse has been subject of extensive and piecemeal extensions and alterations. Historical maps and various photographs and images are presented in the grounds of appeal. The guesthouse is stated to have comprised 14 no. bedrooms prior to ceasing operation following fire damage in 2011, while the bar and restaurant have not operated since 2016. The Planning Authority consider that demolition of the guesthouse would be acceptable in the context of the compelling case set out by the applicant and as it is not included within the RPS or the NIAH, nor is the area designated as an ACA.

7.2.2. A granite former constabulary barracks and a former hotel building, approximately 70m and 100m respectively to the southwest of the appeal site overlooking the lake and road, are both within the RPS (Refs. 149 & 150) and the NIAH (Refs. 31306002 & 31306003). The handball alley adjacent to the former barracks is also included within the NIAH (Ref. 31306004). Objective AH-06 of the Mayo County Development Plan 2014-2020 refers to the intention to undertake an assessment to inform the potential ACA designation for the Pontoon area, amongst other areas. The Planning Authority state that the timeframe for this process is unknown at present. Submissions to the file refer to the potential for inclusion of the building on site within the RPS. The Council's Heritage Officer has not commented on the proposed development and I would also note that Objective AH-02 of the Plan aims to review the RPS including Ministerial recommendations arising from the NIAH. Objective AH-10 of the Plan promotes the sympathetic maintenance and re-use of vernacular built heritage.

7.2.3. While I recognise that the architectural heritage of the guesthouse, including its role in serving as a component in the Pontoon collective of historical structures and buildings and in exhibiting features of vernacular architecture, planning objectives within the statutory Plan do not strictly constrain the demolition of the building. Neither does the Development Plan specifically require the applicant to outline exceptional or overwhelming circumstances to allow for the demolition of the building, although Objective AH-10 is supportive of a preference for retaining vernacular buildings, such as this. The applicant has outlined reasons within the

application and appeal to clarify why they would prefer to demolish the building as part of the redevelopment of the site, including the need to adhere to Building Regulations and the need to create a viable and sustainable service and destination. Furthermore, the applicant's Architectural Design Statement notes that initially it was hoped to retain the building on site, but on inspection it was noted that little of the original fabric remains, with many features substituted in a piecemeal fashion over an extended period. An existing Building Report has also been submitted with the application and this provides a detailed history, assessment and photographic record for the building. I also note the applicant's stated necessity for raising the finished-floor level of the building to address flood risk and the references to structural damage to the property following fire damage.

- 7.2.4. While I note the applicant's comments with respect to the need to address Building Regulations, I would also note that there are provisions within the Building Regulations to address the redevelopment and reuse of existing buildings. Nevertheless, I consider that there is sufficient rationale outlined within the application allowing for the demolition of the building, which does not have protected status and the demolition of the building would not serve to significantly undermine the architectural heritage of the area. Furthermore, given the separation distance to the neighbouring Protected Structures and the design and scale of the proposed guesthouse, the proposed development would not impact on the character or setting of neighbouring Protected Structures.
- 7.2.5. In conclusion, I consider that the proposed demolition of the building on site, would not be contrary to Objectives of the Development Plan and the proposed development would not have a significant impact on the architectural heritage of the area. Accordingly, I recommend that permission should not be refused for this reason.

7.3. Visual Amenities

- 7.3.1. The grounds of appeal assert that the proposed development should be refused permission, as it would have a greater impact on the visual amenities of the area than the present structure and as it would be visually obtrusive within the immediate picturesque landscape. In response to the appeal, the Planning Authority assert that the area is recognised as being of scenic merit, however, the assessment of the

proposed development concluded that the proposed development would be sympathetic to this context and it would not interfere with the visual amenities of the area, whereas the alternative 'do-nothing' scenario would be more detrimental to the amenities of the area.

- 7.3.2. The appeal site is bounded by the R310 and R315 regional roads, which are designated scenic routes within the Development Plan. The surrounding area is of high scenic amenity and the site has extensive views over Lough Cullin. The proposed development would be visible from the designated scenic route, but only intermittently within the Knockaglana lakeside bay area. The neighbouring Protected Structures, referred to above, are built on a higher level than the appeal site, while the proposed guesthouse would have a finished ground-floor level 0.5m above the existing building and the resultant roof ridge height would be 0.62m above the existing building. The immediate rugged wooded hillside landscapes and wider lakeside landscapes are impressive, iconic, natural and largely undeveloped and the existing building would have served as a landmark on the roadside. The Landscape Appraisal of County Mayo identifies this part of the County, as comprising distinctive lakeside landscapes where development that would not detract from scenic lakeland vistas would only be encouraged.
- 7.3.3. The most important views and scenery from the scenic routes immediate to the site are towards the lake. The Development Plan (Map 4) does not identify any specific views to be preserved or protected in the immediate area of the appeal site. The proposed development would only be visible from the immediate lakeside bay area, intermittently along the scenic route, and it would replace an existing building on site with a building of similar height, scale, bulk and materials. Just as the original and the existing building served as landmarks for generations, the proposed building has the potential to serve as a new landmark and I am satisfied that it would not represent a discordant entry into the landscape. I consider that the lakeside topography, with steep wooded slopes to the immediate rear of the appeal site would be readily capable of absorbing the proposed development without a significant negative visual impact arising.
- 7.3.4. In conclusion, given the existing development on site, the scale and height of the proposed development, the restricted visual envelope of the site, the location of the development on the landward side of a scenic route and scenic lakeside area and

the scope for the setting to absorb the development, I consider that the proposed development would not contravene the landscape objectives of the Development Plan. Accordingly, permission for the proposed development should not be refused for this reason.

7.4. Siting & Design

- 7.4.1. The grounds of appeal also assert that the proposed building, including pastiche design, quasi-urban elements and elevated floor level to address flood risk, would not be in keeping with the surrounding rural context, the vernacular architectural traditions, as well as the neighbouring Protected Structures and, consequently, would not sit into the landscape in the same manner and spirit as the original building. In response the applicant acknowledges that the design is a pastiche, but that the architectural rationale presented in the Architectural Design Statement accompanying the planning application, clarifies the reason for adopting this design approach, including the need to deliver a development sympathetic to the character and traditional style of the existing building and the surrounding area.
- 7.4.2. During consideration of the application, the Planning Authority required a reduction in the width of the orangerie feature situated on the front of the building, and the applicant amended the proposed development to address this. In recommending a grant of planning permission, the Planning Authority attached a condition requiring further reductions to the width of the orangerie feature. Other reductions are required with respect to the orangerie roof pitch and the bar and lounge layouts. I do not consider these further amendments to be necessary, as the orangerie feature and layouts are clearly commercially and architecturally well-considered integral aspects of the overall design, harnessing southern light and views overlooking the lake and serving as a 'shop window' for the premises.
- 7.4.3. I consider that the pastiche design approach follows the simple form of the existing building and as such entails a style that is common to structures in a rural context such as this. The scale, height and form of the building are also similar to that of the neighbouring Protected Structures, and, consequently are in keeping with the built character of the area. The building would be slightly more elevated than the existing building and will be positioned in a similar location on site. I am satisfied that the positioning of the proposed guesthouse building would be in the most appropriate

location on the site, addressing the road in a similar manner to the existing building, while also avoiding the more sensitive higher ground from a visual amenity perspective to the rear of the site. Furthermore, the proposed materials including slate roof, render to walls and timber windows would be appropriate in this context. In conclusion, I am satisfied that the siting and design of proposed guesthouse would be in keeping with the character of the area, would not detrimentally impact on the visual amenities of the area and the development should not be refused for this reason.

7.5. Flood Risk

- 7.5.1. The appeal site and the existing development is separated from the lakeshore by the R315 road and a lakeside wall. The planning application was accompanied by a Site Specific Flood Risk Assessment (SSFRA) based on the Office of Public Works (OPW) Flood Risk Guidelines and this was subsequently revised as part of a further information response to the Planning Authority. The assessment states that prior to OPW arterial drainage works on the River Moy in the 1960s, lake water levels had been c.1.5m higher. The SSFRA notes that no flood events are recorded for the immediate area. Analysis clarified that the site has not been subject of recent flooding and that the proposed building would be within flood zone B, while the remainder of the site would be located in flood zone C (see layout plan included in Appendix C to the SSFRA). For the purposes of the assessment the guesthouse development would be categorised as 'residential' and therefore classed as a 'highly vulnerable development' in flood zone B. I would suggest that a guesthouse, despite having two staff rooms, would more appropriately fall into a 'commercial' development category for the purposes of the assessment and as such would be a 'less vulnerable' appropriate development in flood zone B (see Table 3.1 & 3.2 of the Flood Risk Guidelines). Nevertheless, by referring to a 'residential' category, a more precautionary approach is adopted by the applicant in terms of flood risk analysis to justify the development.
- 7.5.2. The safe design approach set out in the SFFRA identifies the finished ground-floor level at +12.25m to Ordnance Datum (OD) and it is stated that this would account for the 1 in 1,000 year flood level, as well as providing for climate change, model uncertainty and a margin of safety in design. It is also concluded in the SFFRA that

the development proposed would not increase flood risk elsewhere. In reviewing the SSFRA, the Water Services section of the Planning Authority initially considered that the 150mm freeboard above the 1 in 1,000 year flood event may not include a suitable factor of safety. The Water Services section initially required consideration of alternative potential measures that could be considered to address flood risk, including upgrades to the lake wall fronting the site or the construction of a flood barrier boundary wall along the front of the site and an alternative location for the access road. The applicant liaised with the Water Services section regarding alternative flood management approaches and it was agreed that a site perimeter flood defence system would not be practical given the presence of the watercourses within the appeal site.

- 7.5.3. In assessing the revised SFFRA, the Planning Authority concluded that the proposals to raise the building floor level and make provision for demountable flood defences to address flood risk are acceptable. There is an existing guesthouse development on site, albeit vacant, therefore I am satisfied that a reasonable approach to management of flood risks is set out and proposed. From a planning and environmental perspective, I am satisfied that siting the proposed development and its access within flood zone C, on the higher portion of the site off the R315 regional road, would not be appropriate, given the extent of groundworks that would be necessary, the existence of watercourses in this area and the elevation of this area relative to the scenic area. While I would note the comments of the Water Services section regarding the freeboard to account for climate change, I am satisfied that on the basis of the extent of information attained to inform the assessment and the fact that this is a replacement development, the applicant has taken a sufficiently precautionary approach in the identification of a ffl to serve the proposed guesthouse. I would not consider the alternative mitigation measures suggested by the Water Services section to be appropriate, as they would involve works off site on lands that are not stated to be in control of the applicant (the lake wall), as they would be likely to present difficulties in terms of traffic safety (revised access location) and as there is a watercourse on site (conflict with flood defence wall/barrier). The proposed development also provides for storm water attenuation tanks on site and the decommissioning of underground fuel tanks on site previously

used in conjunction with motor fuel pumps and this would improve drainage arrangements.

- 7.5.4. In conclusion, I am satisfied that the proposed development would not lead to a risk of flooding of lands outside the subject site, would be at less risk from flooding than the existing development on site and the applicant has provided for sustainable management of flood risk to an acceptable level. Accordingly, the proposed development should not be refused permission for reasons relating to flood risk.

7.6. Wastewater Treatment

- 7.6.1. When last operated the guesthouse contained 14 no. guestrooms, as well as a bar, lounge, and restaurant with external seating areas and various living quarters. I also note that there are temporary portacabin structures to the rear of the premises. It is stated that the premises is served by a wastewater treatment system located to the northern side of the site on elevated ground. Wastewater initially exits the building via gravity prior to entering a pumping chamber to the rear of the building and subsequently being pumped via a rising main to the treatment plant. Appendix 6 of the Natura Impact Statement (NIS) submitted, illustrates and outlines the primary and secondary treatment undertaken within the system. It is stated that this system operated under a discharge licence (Ref. W(P)W100) issued by Mayo County Council in 2006.
- 7.6.2. The proposed development would comprise a similar quantum of development to the existing guesthouse premises. The application outlined that the existing wastewater treatment system would be repaired as part of the proposed development and the Environment Section of the Planning Authority sought information in this regard. Surface water drainage would be upgraded to include permeable paving to parking spaces (see revised Landscape Plan submitted in March 2018 to the Planning Authority as Appendix 3 to the Ecological Impact Assessment and Appendix 4 to the NIS) connecting to a stormwater attenuation tank. As well as meeting standards outlined in the Environmental Protection Agency (EPA) document, 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', the Environment Section of the Planning Authority required an examination of the existing licence under Section 4 of the Water Pollution Act to discharge treated wastewater to surface waters. Furthermore, the Environment

Section required details of the maximum design capacity for the treatment system, as well as operational and maintenance details, to ensure that the receiving water body is not negatively impacted. In response the applicant committed to appoint a suitably qualified service provider to maintain the water treatment plant to ensure compliance with the requisite EPA and Discharge Licence standards. Status details for the wastewater treatment system and the associated Discharge Licence, including effluent quality and loadings, were outlined within Appendix 7 to the final NIS submitted. The further information response of the applicant was also accompanied by a Maintenance Contract outlining that upgrade of the system would not be necessary, there would be capacity to deal with loadings anticipated and that measures would be implemented to ensure the efficient operation of the wastewater treatment system, including various monitoring, inspection, desludging and contingency measures. The Environment Section considered the response provided by the applicant with regard to wastewater treatment to be acceptable and that the existing Trade Effluent Discharge Licence would be closely monitored and reviewed, if necessary.

7.6.3. The maintenance and management of the wastewater treatment system is an essential element of the proposed development. Information provided by the applicant (as part of Appendix 7 to the NIS) confirms that the system had at times failed to operate within the required Discharge Licence parameters. The current applicant has outlined extensive measures including repairs and ongoing maintenance to ensure compliance with EPA standards and the conditions of the Discharge Licence and thereby ensure that wastewater generated on site can be safely disposed of without harming the groundwater or surface water environment. Conclusions in the Report submitted outline that the wastewater treatment system is capable of being operated within the parameters of the Discharge Licence and to EPA standards and the Planning Authority Environment Section are satisfied with same. In conclusion, I am satisfied that the proposed development would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area.

7.7. Ecology

- 7.7.1. The application was accompanied by an Ecological Impact Assessment, which was subsequently revised as part of further information responses. The Ecological Impact Assessment noted that the appeal site borders oak-ash-hazel woodland to the north. The River Moy cSAC (Site Code: 002298) overlaps the northeastern side of the site and is stated to comprise Annex I habitat, 'Old sessile oak woods with Ilex and Blechnum (91A0)'. The Lough Conn and Lough Cullin Special Protection Area (SPA) (Site Code: 004228) is located on the opposite side of the R310 regional road to the southeast of the site.
- 7.7.2. An area of dry meadow and grassy verges is located to the rear of the site and along the western boundary with the R315 regional road. 'Upland eroding river' drainage channels converge within this meadow area and subsequently flow into a culvert under the car park area and the R310 regional road, before entering Lough Cullin. No protected habitats or species occupy the site according to the Ecological Impact Assessment. The guesthouse on site is vacant and the outbuildings to the rear are in poor repair and surrounded by mature woodland. No bats were noted to be roosting on site during surveys, but the structures were noted to have potential to support roosting bats. Invasive species in the form of rhododendron and Japanese Knotweed were recorded within the site boundary. Proposals are stated to include measures that ensure all pathways for pollution to waterbodies are robustly blocked both during construction and operational phases.
- 7.7.3. The assessment states that the only loss of flora would relate to Cypress trees to the rear of existing buildings. A mature Ash tree to the front of the site close to the existing vehicular entrances would also be removed and this is not addressed in the assessment, however, I would consider the loss of this tree not to be significant given the surrounding woodland context and the landscape plan proposed. The impact on bats would be 'permanent moderate negative' according to the Ecological Impact Assessment. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). Should permission be granted for the proposed development, including the demolition of building and in the event that bat roosting is identified, I note that an application must be made to the National Parks

and Wildlife Service (NPWS) for a derogation licence. The locations of the Rhododendron and Japanese Knotweed invasive species are identified by signage on the ground, and a Management Plan for controlling Japanese Knotweed was submitted with the application. This plan does not include specific features to address the control of Rhododendron. The applicant states that the proposals would involve an updated Invasive Species Management Plan as part of the project construction phase and I consider that this should be updated to more specifically outline those project features addressing the spread of Rhododendron.

- 7.7.4. The proposed development would not include works which would result in the loss of local habitats and no significant impacts on ecology are anticipated over the construction phase primarily based on the extensive measures outlined within the application. I am satisfied that based on the design of the proposal and the terms outlined within the application documentation, the waterbodies on site and adjacent to the site would not suffer ecological harm as a result of the construction or operational phases. There are no known major developments planned in the vicinity of the current proposals such would result in cumulative impacts on ecology. I am satisfied that the proposed development would replace an existing development on site and I note that aspects of the proposed development would have positive environmental and ecological implications when compared with the existing situation on site. In conclusion, I am satisfied that with the safeguards proposed as part of the project, including those outlined within the NIS regarding the construction phase site set-up, no unacceptable residual impacts on the ecological environment would arise, such that would warrant refusal of permission.

7.8. Traffic Safety

- 7.8.1. The appeal site is situated at the junction of two regional roads, including the R310, which follows the lakeside and connects the towns of Ballina and Castlebar. The R315 regional road bounds the western boundary of the site and rises steeply above the site, as it cuts through the adjacent wooded and rugged hilly terrain. The site is provided with two entrance / exit locations from the southeast side along the R310 regional road. The premises is also served by perpendicular 11 no. parking spaces along the southeast corner of the site and there is also scope for informal set down along the R310 regional road. The proposed development would set out a parking

area to the rear and would consolidate the set down and access arrangements along the R310, by providing a single entrance / exit off this road and a bus-only set down fronting the guesthouse. A footpath would be provided along the frontage with the R310. A total of 61 no. car park spaces, including four accessible spaces are proposed to the rear and side of the premises, as well as service areas. The planning application was accompanied by a Traffic & Transport Assessment (TTA) and a Road Safety Audit (RSA) (Stage 1). The TTA and site layout were revised at further information stage to address matters raised by the Roads' Engineers in the Planning Authority.

7.8.2. The Roads' Engineers requested that the applicant address proposals with respect to eight items raised within the RSA submitted and to also consider the potential to shift the bus-only set down area further northeast along the regional road. The TTA addressed the existing characteristics of the regional roads serving the site and the impact of the proposed development on the road network. Traffic counts were undertaken and amended to address traffic patterns. The TTA outlines that visibility of 72m in a northern direction and 58m in a southern direction from the proposed exit would be sufficient given the observed traffic speeds (45km/hr in a northern direction and 44km/hr in a southern direction). Swept path analysis was undertaken with respect to the internal layout, to ensure the development is designed to cater for service and refuse vehicles. An assessment of the parking quantum relative to Development Plan standards was not specifically addressed within the application by the applicant or by the Planning Authority.

7.8.3. Traffic speeds along the local road fronting the appeal site are significantly curtailed by virtue of the horizontal alignment of the road, which includes sharp bends approaching the site from the east and west. Following the submission of a revised proposed site layout addressing the RSA items, the Planning Authority did not raise issue with access including visibility splays, set down and servicing arrangements. Table 12 of the Development Plan outlines that one car parking space is required per bedroom in a hotel, plus one space per employee/shift. Table 12 also requires spaces to be added for bar/restaurant/leisure centre or other categories, as relevant. Given the existing extent of unsurfaced areas to the rear, which are not formally set out and the 11 no. perpendicular spaces along the R310, the rural location, the nature of the uses proposed where patrons and employees of the guesthouse would

most likely visit the guesthouse via private motor vehicle and the need to ensure the freeflow of traffic along the adjoining regional roads, I am satisfied that the extent of car parking would be appropriate to serve the development.

- 7.8.4. In conclusion, having visited the area and noted traffic speeds along the local road fronting the site, I consider that the proposed development would provide for improved access and exit arrangements serving the site and that the proposed development would have less potential for resulting in traffic hazard along the regional roads, given the proposed omission of roadside parking and the single consolidated access point. In conclusion, the proposed development should not be refused for reasons relating to the impact of the development on traffic safety.

8.0 Appropriate Assessment – Stage 1 Screening

8.1. Introduction

- 8.1.1. The proposed development is described in section 2 of this report and I note that this effectively comprises replacement of the existing development on site to a similar scale and nature with various measures to address environmental management outlined within the project application drawings and documentation.
- 8.1.2. An Ecological Impact Assessment and an AA Screening Report accompanied the planning application and by way of Further Information requests these documents were revised. By way of a further information request a NIS accompanied the planning application and this was subsequently revised as part of the clarification of further information. The final NIS submitted was prepared by McCarthy Keville O'Sullivan Planning & Environmental Consultants and, where relevant, I will draw on this document.
- 8.1.3. The Department of Culture, Heritage and the Gaeltacht was notified of the application and in their response they highlighted the potential means by which the project may have potential to impact on the integrity of the two European sites listed below. Inland Fisheries Ireland has commented on the appeal and has specified measures to form part of the project.

8.3. Description of European Sites

8.3.1. Part of the site is within the boundaries of the River Moy cSAC (Site Code No. 002298) and the Lough Conn & Lough Cullin SPA (Site Code: 004228) is located on the opposite side of the R310 regional road to the southeast of the site. Two watercourses merge on the appeal site, prior to being culverted under the existing rear car park and the R310 regional road and then entering Lough Cullin.

8.3.2. Asides from the River Moy cSAC and the Lough Conn & Lough Cullin SPA, there are two other European sites within 15km of the subject site, as listed below:

Site	Code	Distance	Direction
Lough Hoe Bog cSAC	000633	13.3km	northeast
Newport River cSAC	002144	11.3km	west

8.3.3. With the exception of the River Moy cSAC and the Lough Conn & Lough Cullin SPA, I am satisfied that the other sites within 15km of the appeal site can be ‘screened out’ on the basis that significant impacts on these European sites could be ruled out as a result of the separation distance from the appeal site and given the absence of a pathway to the appeal site.

8.3.4. The River Moy cSAC comprises almost the entire freshwater element of the river Moy and its tributaries. The following Conservation Objectives are set for this cSAC:

Conservation Objectives for River Moy cSAC (002298)	
7110 – Active raised bogs	To restore the favourable conservation condition of active raised bogs.
7120 - Degraded raised bogs still capable of natural regeneration	The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in River Moy cSAC
7150 - Depressions on	Depressions on peat substrates of the

peat substrates of the Rhynchosporion	Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in River Moy cSAC
7230 - Alkaline fens	To maintain the favourable conservation condition of Alkaline fens in River Moy cSAC
91A0 - Old sessile oak woods with Ilex and Blechnum in the British Isles	To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in River Moy cSAC
91E0 - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in River Moy cSAC
1092 - White-clawed Crayfish (Austropotamobius pallipes)	To maintain the favourable conservation condition of White-clawed Crayfish in River Moy cSAC
1095 - Sea Lamprey (Petromyzon marinus)	To maintain the favourable conservation condition of Sea Lamprey in River Moy cSAC
1096 Brook Lamprey (Lampetra planeri)	To maintain the favourable conservation condition of Brook Lamprey in River Moy cSAC
1106 - Salmon (Salmo salar)	To maintain the favourable conservation condition of Salmon in River Moy cSAC
1355 - Otter (Lutra lutra)	To maintain the favourable conservation condition of Otter in River Moy cSAC

8.3.5. The Site Synopsis for the River Moy cSAC identifies agriculture, including spreading of slurry and fertiliser, fishing, tourism, afforestation, forestry and dredging, as posing the greatest threats to the cSAC rivers and lakes. Map 6 accompanying the site

Conservation Objectives for the River Moy cSAC identifies ‘old sessile oak woods with Ilex and Blechnum in the British Isles’ [91A0] along the northern and western side of the appeal site. An otter (lutra lutra) commuting buffer (250m) area is identified along the shores of Lough Cullin to the immediate south of the site in Map 8 of the Site Synopsis.

- 8.3.6. Lough Conn and Lough Cullin are connected via a narrow inlet at Pontoon, and the lakes ultimately outflow to the River Moy. The following Conservation Objectives are set for the Lough Conn & Lough Cullin SPA:

Conservation Objectives for Lough Conn & Lough Cullin (004228)
To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: [A061] Tufted Duck (<i>Aythya fuligula</i>) [A065] Common Scoter (<i>Melanitta nigra</i>) [A182] Common Gull (<i>Larus canus</i>) [A395] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)
To maintain or restore the favourable conservation condition of the wetland habitat at Lough Conn and Lough Cullin SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

- 8.3.7. The Site Synopsis for the Lough Conn & Lough Cullin SPA refers to the details of the bird species of special interest in the lakes.

8.4. Is the project necessary to the management of European sites?

- 8.4.1. In firstly considering whether or not the project is necessary to the management of the European Sites, I note that the proposed development is directly connected with the River Moy cSAC European site, but that it is not necessary to the management of any European site.

8.6. Direct, Indirect or Secondary impacts

- 8.6.1. There is hydrological connectivity between the proposed works, the River Moy cSAC and the Lough Conn & Lough Cullin SPA. Part of the site is within the boundaries of the River Moy cSAC and there is potential for loss of habitat. Arising from this, the likely significant impacts, with reference to the River Moy cSAC and the Lough Conn & Lough Cullin SPA sites' conservation objectives, would be either through
- the loss or fragmentation of habitat;
 - pollutants or sedimentation to ground or surface water (e.g. run-off silt, fuel oils, effluent) at construction and operational phases of the proposed development;
 - the spread of invasive species from the site during construction;
 - noise / vibration disturbance during the construction phase.
- 8.6.2. The submission from the Department notes that the existing wastewater treatment system is located within the River Moy cSAC. Repair works are proposed to this existing system. Having visited the site, I am satisfied that the proposed development does not include works within the protected habitat, 'old sessile oak woods with Ilex and Blechnum in the British Isles', and therefore would not result in a direct loss or fragmentation of habitat.
- 8.6.3. The proposed development includes features integral to the project to avoid pollutants or silt moving from the site. These features are not outlined within a standalone document and, as a singular consolidated point of reference, a Construction Environmental Management Plan should be provided for administrative purposes. The implementation of good construction site management, including the site set up, pollution prevention features outlined in section 2.3 of the NIS submitted, would form an integral aspect of the project and I am satisfied that the proposal would not result in a reduction in the quality or quantity of water entering the cSAC and SPA habitats during the construction phase. The implementation of good operation and maintenance of the wastewater treatment systems during the operational phase as outlined within the planning application will form an integral aspect of the project, and I am satisfied that the proposal would not result in a

reduction in the quality of water entering the cSAC and SPA habitats during the operational phase.

- 8.6.4. An Invasive Species Management Plan has been included as part of the project construction to address the potential for the spread of invasive species.
- 8.6.5. The implementation of good construction management, including disturbance limitation measures outlined in section 2.3.2.1 of the NIS submitted, would form an integral aspect of the project, I am satisfied that the proposal would not result in disturbance to otters and bird species such as Tufted Duck, Common Scoter, Common Gull and Greenland White-fronted Goose who use the cSAC and SPA habitats and subsequently the conservation status of the designated sites during the construction phase.
- 8.6.6. Using the source-pathway-receptor model, I do not consider, on the basis of the information submitted, that the proposed development would be likely to impact on the conservation objectives of the Natura 2000 sites in question through the potential mechanisms outlined above.

8.7. Cumulative and In-Combination Effects

- 8.7.1. As I have concluded above that the proposed development would not be likely to impact on the conservation objectives of Natura 2000 sites, I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

8.8. Appropriate Assessment Screening Conclusion

- 8.8.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Moy cSAC (Site Code: 002298), the Lough Conn & Lough Cullin SPA (Site Code: 004228) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.8.2. I note that the Planning Authority proceeded to 'Stage 2' in their assessment, which may have been out of an abundance of caution.

9.0 Environmental Impact Assessment - Preliminary Examination

9.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site adjacent to the Lough Conn & Lough Cullin SPA (Site Code: 004228) and with part of the existing development within the River Moy cSAC (Site Code No. 002298), but not comprising protected habitat, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1.1. I recommend that planning permission be granted for the proposed development having regard to the reasons and considerations and subject to the conditions, as set out below.

11.0 Reasons and Considerations

11.1.1. Having regard to the nature, scale, design, layout and location of the proposed development, the pattern of development in the vicinity and the existing development on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant impact on architectural heritage, would not seriously injure the amenities of the area or of property in the vicinity, would not be contrary to objectives of the Development Plan, would not lead to a risk of flooding of lands outside the subject site and would provide for sustainable management of flood risk. Furthermore, the proposed development would not be likely to cause a deterioration in the quality of waters in the area, would not be prejudicial to public health, would not result in unacceptable residual impacts on the ecological environment and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The 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 submitted on the 24th day of November 2017 and the 5th day of March 2018, 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. Detailed specification for all proposed external materials, finishes and signage to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The on-site wastewater treatment plant and soil polishing filter shall be installed, operated and maintained in accordance with the Code of Practice: Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels as published by the Environmental Protection Agency in 2009 and as updated since.

Reason: In the interest of public health and protection of the environment.

5. The proposed vehicular access and parking layout arrangements shall be in accordance with the requirements of the Planning Authority.

Reason: In the interest of traffic safety.

6. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

7. Prior to the operation of the facility, including the premises, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

Reason: In the interest of public health and the environment.

8. Comprehensive details of the proposed lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, prior to the operation of the premises.

Reason: In the interest of public safety and visual amenity.

9. No development shall commence until a landscaping and biodiversity scheme has been submitted to and approved in writing by the planning authority to suitably screen the proposed development over the life of the facility. The scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;

- (ii) Existing area of tree cover, landscaping features and vegetation to be retained;
- (iii) Location design and materials of proposed boundary treatment, fences and gates;
- (iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (vi) Biodiversity enhancement proposals;
- (vii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

Reason: In the interests of visual amenity and to integrate the development into its surroundings.

10. Trees to be removed on site shall be felled in late summer or autumn.

Reason: In the interest of nature conservation.

11. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Features to obviate queuing of construction traffic on the adjoining road network;
- (f) Features to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Features addressing noise, dust and vibration, and observing/reviewing of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter drains;
- (j) An updated Invasive Species Management Plan to include additional features to address the control of Rhododendron during construction;
- (k) Details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of clarity, amenities, public health, safety and protecting the integrity of European sites.

12. An Emergency Response Plan addressing both construction and operational phases of the development, including environmental risk assessment and details of emergency action and environmental monitoring shall be submitted to, and agreed in writing with, the planning authority

prior to the commencement of development.

Reason: In the interests of amenities, public health, safety and protecting the integrity of European sites.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. The Plan shall include details of the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

Reason: In the interest of sustainable waste management.

14. Hours of construction and operation of the proposed facility shall be between 0800 and 1900 Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

15. A Plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage,

separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport

17. 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.

Colm McLoughlin
Planning Inspector

19th September 2018