



An
Bord
Pleanála

Inspector's Report ABP-303673-19

Development	Construct a retail unit on ground floor and 2 residential units on first floor
Location	Cloonlaur, Killadoon, Westport, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18587
Applicant(s)	Michael F & Rita O'Malley.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Michael F & Rita O'Malley.
Observer(s)	None.
Date of Site Inspection	29 th April 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located in the rural settlement of Cloonlaur south west of Louisburgh town in an area identified as the South West Coastal Basin within the Landscape Appraisal for County Mayo. The surrounding area is classified as Structurally Weak within the Mayo County Development Plan 2014-2020.
- 1.2. The site is located directly adjacent to Killeen Church and to the south of the existing cemetery. A playgroup centre is located to the north east of the site, and together with the church form the centre of the settlement.
- 1.3. The area is sparsely populated with one off dwellings spread across the surrounding landscape. A primary school is located c. 1.3km to the north east of the site.
- 1.4. A single storey disused building is present on the site the previous use of which is unclear. The remainder of the site is under grass and currently grazed by sheep. The site is bounded by a low stone wall to the public road and hedgerow to the rear. Rushes were present throughout the site at the time of site inspection.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retail unit at ground floor.
 - 2 no. residential units at 1st floor.
 - On site waste water treatment system.

3.0 Planning Authority Decision

3.1. Decision

The proposed development was refused by the Council.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final planners report is consistent with the planning authority decision. Further information was sought in relation to the following:

- Archaeological Assessment.
- Artist impression of church and proposed development – view from public road.
- Reduction in residential units from 2 to 1.
- Reduce height of roof to 8.5 metres and redesign gable end onto public road.

The applicant submitted an archaeological assessment and an artist's impression of the proposed development in relation to the existing church. The number of units was not revised; however the applicants reduced the height of the building to 8.465 metres and revised the design of the front gable to provide for a flat roof protrusion rather than a gable end.

3.2.2. Other Technical Reports

- Archaeology – Pre-development testing has been submitted by way of further information, no further archaeological works are required.
- Road design Section – Reference is made to a report from the Road design Section, no evidence of this submission can be found on the file. I consider that the reference to this submission is an error within the planner's report.

3.3. Prescribed Bodies

- I note that reference is made to a submission from Transport Infrastructure Ireland within the planner's report, this refers to a development located along the N59 which is c.30km to the east of the appeal site. I consider this to be an error within the planner's report.

3.4. Third Party Observations

- None

4.0 Planning History

0638000 Extension of duration was **refused** for the development of a mixed-use development for a shop, 3 no. apartments, 4 detached and 8 no. semi-detached dwellings.

P06/3800 – Permission was **granted** for a shop, 3 no. apartments, 4 detached and 8 no. semi-detached dwellings.

5.0 Policy and Context

5.1. Development Plan

The appeal site is located within a 'Structurally Weak Area', as defined within the Mayo County Development Plan 2014-2020.

- Section 1. The Core Strategy & Settlement Strategy
- Manage development outside the Linked Hub and Key Towns in a way that ensures the viability of rural communities but does not give rise to long-term problems such as climate change and water quality;
- P-01 It is the policy of the Council to ensure the sustainable development of the Linked Hub and Key Towns in the County and to manage development outside these towns in a way that ensures the viability of rural communities while ensuring environmental protection through the implementation of the objectives and Development Guidance document of this Plan.
- RH-01 It is an objective of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG) Map 1 Core Strategy Conceptual Map and the Development Guidance document of this Plan.
- TV-01 It is an objective of the Council to promote appropriate development and appropriate growth in other towns and all rural areas in an effort to ensure ongoing rural sustainability. Any new development shall respect the scale and character of the existing settlement.

National Planning Framework Project Ireland 2040

- Section 5.0 – Planning for diverse rural areas.

- Section 9.2 – Transition to low carbon economy

Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999

- Table 4

Guidance on the Authorisation of Discharges to Groundwater 2011

- Section 3.4 - Cumulative Impacts.
- Section 4 – Technical assessment approach and methodology.

5.2. Natural Heritage Designations

The Lough Cahasy, Lough Baun and Roonah Lough SAC is located c. 1.1km to the west of the appeal site, the Cross Lough SAC & SPA is located c. 1.3km to the south west of the site and the Mweelrea/Sheeffry/Erriff Complex SAC is located c. 2.8 metres to the east of the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- Planners report refers to submissions from the roads engineer and TII no submissions from either were on the file.
- Errors and typos in report suggest that the file was not assessed correctly.
- Site is suitable to cater for waste water as per Site Characterisation Form.

- Previous permission for mixed use development with a total of 14 units of accommodation and a retail unit and office. EOD refused as apartment sizes were not in accordance with the guidelines.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- None

7.0 Assessment

7.1. The proposed development consists of a residential development and retail unit within a rural settlement in an area defined as Structurally Weak within the Mayo County Development Plan 2014-2020. I note from the grounds of appeal and the decision of the Council that planning matters of concern to both parties relate to the suitability of the site to adequately cater for the waste water generated by the development. I consider that the assessment of this appeal should not only assess the issues in relation to waste water but also the suitability of the proposed development within such a rural un-serviced area. I therefore consider that the relevant issues in determining the current appeal before the Board relate to the following:

- Principle of development.
- Services
- Appropriate Assessment
- Other matters

Principle of development

7.2. It is of note that the appeal site is located in a rural area outside of any town or serviced village. The lands within the appeal site and the surrounding area are currently un-zoned and comprise of a rural landscape, sparsely developed by one-off rural dwellings. It is important to note at this juncture that whilst it is the policy of the Mayo Development Plan 2014-2020 as per Section 2.3.2, to permit permeant residential

development in such areas, there is a general presumption against multi-unit residential development.

- 7.3. The applicant is proposing to construct 2 no. dwellings within the appeal site and has not supplied any justification or need for such development within such a remote un-serviced location. It is of note that there is an existing disused structure on the site, however no reference is made to the previous use of this structure and in the absence of such information I am unable to assess whether there was some form of established use on the site in terms of retail or residential.
- 7.4. In addition to the absence of any justification for the proposed development within this un-serviced rural site, it is important to note at this juncture that the provision of additional dwellings in such a poorly connected rural area in terms of public transport and with no availability of local services, would result in a development heavily reliant on the private car. Such developments would hamper the country's efforts to transition to a low carbon and climate resilient society.
- 7.5. The proposal by virtue of its location removed from any serviced settlement and poor connectivity would therefore be contrary to the provisions of Section 1 – Core Strategy and Settlement Strategy, in which it is the policy of the Council to manage development outside the Linked Hub and Key Towns in a way that ensures the viability of rural communities but does not give rise to long-term problems such as climate change and water quality.
- 7.6. Overall, whilst I acknowledge the need to strengthen weakened rural areas and settlements, I consider that the principle of the proposed development in terms of the provision of additional housing within an un-serviced rural area, poorly connected by public transport is unacceptable, unjustified and contrary to the provisions of both the Mayo County Development Plan and the National Planning Framework which seeks the transition of the Country to a low carbon economy.

Services

- 7.7. It is contended by Mayo County Council within the reason for refusal of the development that the proposed site is not suitable for the attenuation and disposal of waste water due to the ground condition and level of the water table encountered.

- 7.8. The applicant rebuts the concerns of the Council and states that a Site Characterisation Assessment has been submitted which demonstrates that the site is suitable for the disposal of waste water.
- 7.9. The Site Characterisation Report submitted states that the site is located in an area with a high vulnerability classification as per the GSI Groundwater maps and has a ground water response of R1. No Karst features were noted as present in the area within the assessment. It is of note that Section 2.0 of the Site Characterisation form states that there are no archaeological sites within 250 metres of the appeal site, however, 3 no. recorded monuments are identified within the National Monuments Service mapping for the area which are located c. 35 metres to the north west of the site and comprise an Enclosure and 2 no. Cross Slabs, (ref: MA095-006001, MA095-006004, MA095-006003 respectively). The Site Characterisation form of therefore incorrect in this regard.
- 7.10. I note from the layout plans submitted that the residential developments will provide for a total PE of 13 and it is proposed to provide a café within the ground floor. The figures provided for within Section 1.0 are incorrect in this regard and state a PE of 12 is expected for the development, reference is also made within the form to a PE of 14 for the café. No clear certainty has been provided in relation to the overall PE to be catered for by the development. In the absence of such information I cannot properly assess the adequacy of the waste water treatment system and percolation area proposed.
- 7.11. The trial hole assessment within Section 3.2 of the Site Characterisation form states that the water table was encountered at 0.8 metres and the soil conditions were found to comprise of a gravelly silt with the presence of small cobbles, grass roots and pebbles. I noted large cobbles present within the trial hole at the time of inspection and the water table appeared to be present at a depth of significantly less than 800mm. Whilst I note the comments made by the applicant in relation to the period of time the trial hole has been open and that a certain level of surface water has accumulated, I do not accept that this has been the case at the time of each inspection of the site. It is important to note that a period of dry weather preceded my inspection which indicates that the rates of percolation in this area are slow.

- 7.12. T tests were dug to a depth of 530mm. A T result of 48.86 and a P result of 45.31 were obtained. I note from the file that no plans have been submitted which demonstrate the location of the T tests or the P test. I am therefore unable to properly assess whether the proposed percolation area conflicts with the location of these test holes.
- 7.13. Section 5.0 of the Site Characterisation Report refers to both the Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999 and the EPA Code of Practice: Wastewater Treatment Systems for Single Houses. It is important to note at this juncture, that the relevant guidance to be referred to in relation to such developments is the Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999, it is also prudent to refer to Guidance on the Authorisation of Discharges to Groundwater 2011.
- 7.14. It is recommended within Section 5.0 that the effluent be treated via Tricel Nova IRLIRL 18 wastewater treatment system and thereafter by a Tricel 6 No. Puraflo unit. The percolation area size is recommended at 90 sqm and shall discharge to 300mm deep gravel distribution layer. No details of the percolation area or gravel and geotextile layers have been submitted, it also of note from the layout plans submitted that a raised percolation area is proposed. However, there is no reference to the provision of a raised percolation area within the Site Characterisation report.
- 7.15. In accordance with Table 4 of Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, 1999, a minimum separation distance of 28 metres is required from the proposed development to the proposed treatment system. The applicant has failed to submit a layout plan which adequately demonstrates that this minimum separation distance is provided for.
- 7.16. In the absence of such details and given the level of ambiguity and inaccuracies within the reports and plans submitted, I am unable to properly assess the suitability of the site to adequately attenuate and dispose of the waste water generated by the development or ascertain the suitability of the proposed percolation area and associated waste water treatment system to cater for the proposed development.
- 7.17. In the absence of the foregoing and having regard to the high-water table level observed at the time of site inspection and the ground conditions encountered, I do not consider that the applicant has demonstrated that the proposed wastewater

treatment can meet the requirements of the EPA Guidance. Therefore, I cannot conclude that the proposed development would not have a significant risk of causing ground water pollution.

Appropriate Assessment

- 7.18. The Lough Cahasy, Lough Baun and Roonah Lough SAC is located c. 1.1km to the west of the appeal site, the Cross Lough SAC & SPA is located c. 1.3km to the south west of the site and the Mweelrea/Sheeffry/Erriff Complex SAC is located c. 2.8 metres to the east of the appeal site. There are no pathways linking the appeal site with these SACs or SPAs.
- 7.19. Therefore, having regard to the minor nature of the development, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

Other Matters

- 7.20. Reference is made to the anomalies and inaccuracies within the planner's report, whilst I acknowledge the applicant's concerns in this regard I do not consider these inaccuracies to be relevant to the assessment of this appeal. Reference is also made to a previous planning permission for a mixed-use development, this permission has expired and whilst I have noted the planning history of the site I do not consider this to be relevant to the assessment of this appeal.

Conclusion

- 7.21. Overall, I consider the proposed development by virtue of its location in a poorly connected, un-serviced site to be unacceptable. The applicant has failed to demonstrate that the proposed appeal site can adequately attenuate and dispose of the waste water generated from the development. The development would therefore be contrary to both the provisions of the Mayo County Development Plan 2014-2020 and the National Planning Framework and would also be prejudicial to public health.

8.0 Recommendation

- 8.1. Having regard to the foregoing assessment I recommend that permission is refused.

9.0 Reasons and Considerations

1. The proposal would provide for a mixed-use development which includes the provision of 2 no. residential units in an area defined as Structurally Weak within the Mayo County Development Plan. There is a general presumption within this plan, as per Section 2.3, against multi-unit residential developments in rural areas outside serviced towns and villages. The proposal would result in a development that is heavily reliant on the private car and as such would also be contrary the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the application and the appeal, the observation of a high-water table and the ground conditions observed under foot during site inspection, the Board is not satisfied that the subject site is suitable for the safe disposal of foul effluent arising from the proposed development. Accordingly, it is considered that the proposed development would be prejudicial to public health, would give rise to a serious risk of water pollution and would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

21st May 2019