



An
Bord
Pleanála

Inspector's Report ABP308070-20

Development	Extension and refurbishment of existing dwelling.
Location	Tawnaghmore, Foxford.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	20/25.
Applicant	Amanda Wills.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellants	John and Maureen Handy.
Observers	None.
Date of Site Inspection	18 th November, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

ABP308070-20 relates to one third party appeal against the decision of Mayo County Council to issue notification to grant planning for the extension and refurbishment of an existing dwelling together with a new on-site wastewater treatment system at a site at Tawnaghmore outside the village of Foxford in North Mayo. Mayo County Council granted planning permission for the proposal subject to 10 standard conditions. The third-party appeal raised concerns that the proposed development would have an unacceptable impact visually, environmentally and socially on the area.

2.0 Site Location and Description

- 2.1. The appeal site is located on elevated lands overlooking the shores of Lough Conn to the west. The R310 Regional Route runs along the eastern shores of Lough Conn. The subject site incorporates frontage onto the R310 but the dwellinghouse is located on more elevated land to the back of the site and is accessed via a narrow local access road which links up with the R310 approximately 400 metres to the north-east of the site. The subject site is heavily vegetated and overgrown and accommodates a single-storey derelict cottage which faces onto the local narrow road. Vehicular access to and from the site is located at the north-eastern corner of the site. The site incorporates a pronounced slope downwards towards the shores of Lough Conn and the R310. The site has a total area of 0.47 hectares.
- 2.2. In terms of surrounding settlement there are two dwellings in the immediate vicinity of the subject site both of which face westwards towards the R310. The neighbouring dwelling to the north-west is located 40 metres away, while the dwelling to the immediate north is located c.20 metres away. Both neighbouring dwellings back onto the boundary of the subject site.
- 2.3. The roadway serving the subject site incorporates an acute slope towards the site from the R310. It serves two dwellinghouses closer to the junction with the R310 and one dwellinghouse beyond the subject site to the south-west.

3.0 Proposed Development

- 3.1. Planning permission is sought for the refurbishment of the existing derelict structure on site. The existing structure comprises of a single-storey 19th century cottage with slate roof. Under the current application it is proposed to retain the existing structure so as to incorporate two bedrooms and two en-suite bathrooms within the confines of the existing structure. It is also proposed to construct a new extension to the rear at a slightly lower level accommodating a kitchen, dining and sitting area together with an additional bedroom and utility room. Originally it was proposed to upper storey element to accommodate a bedroom in the new extension, however this was omitted on foot of an additional information request (see below) The extension is to be located at a slightly lower level than the existing structure. A new entrance on the eastern side of the building leading to a hallway will link the existing and proposed structure. The ridge height of the existing building on site rises to approximately 5 metres while the ridge height of the proposed extension rises slightly above 5 metres. The existing structure is to be stripped back to expose the stone wall with joints repointed. The proposed extension to the rear is to be rendered in a smooth painted sand and cement plaster finish with a black slate/tile roof finish.
- 3.2. A new proprietary wastewater treatment system incorporating secondary treatment together with a new polishing filter is to be located to the south-west of the proposed dwelling.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Mayo County Council issued notification to grant planning permission subject to 10 conditions.

4.2. Documentation Submitted with the Application

- 4.2.1. The application was accompanied by a completed planning application form which indicates that the applicant is the owner of the site in question and it was also accompanied by requisite drawings, public notice and planning fee etc. A covering letter submitted with the application states that the property has been in the family for

several generations and the applicant intends to return to make the dwelling the permanent place of residence. It is stated that as the proposed development is an extension to an existing dwelling there is no requirement to comply with Section 2.3.1 of the Mayo County Development Plan. The covering letter also sets out details of the design rationale relating to the site.

4.3. Internal Planning Reports

- 4.3.1. A report from the Municipal District Engineer (Claremorris/Swinford Division) recommends a granting of planning permission subject to a number of conditions in relation to access, drainage and proprietary wastewater treatment provision.
- 4.3.2. A report from the Department of Culture, Heritage and the Gaeltacht notes that the proposed application site is 30 metres from Lough Conn. It states that the development has the potential to affect Natura 2000 sites in the vicinity (Lough Conn which is part of the River Moy SAC and the Lough Conn and Lough Cullin SPA). It is also suggested that a bat survey and bird survey should be carried out and that if clearance works are being undertaken that a bird survey should be carried out prior to any scrub clearance works. It is also stated that the manner in which the proposed septic tank treatment system is maintained after it is installed is of significant importance.
- 4.3.3. A report from the Water Services Department of Mayo County Council notes that the applicant has applied for a development with a public connection. However, on checking there is no Irish Water public mains in this location and the applicant was advised to apply to the group water scheme and provide evidence that a connection is feasible.
- 4.3.4. The initial planner's report notes that the site of the proposed development is not within a flood risk area and also notes that the applicant has submitted a screening report for appropriate assessment which appears to screen out the proposed development.
- 4.3.5. An appropriate assessment screening report was submitted with the planning application. It sets out details of the European sites in the vicinity and the conservation objectives pertaining to the sites. A series of pollution prevention measures are also set out in the report. It concludes that no element of the proposed

construction of the site are likely to cause any significant impacts on European sites and on this basis it is unnecessary to prepare a Stage 2 assessment with respect to European sites.

4.3.6. The application was also accompanied by a Site Suitability Report. The depth of the ground surface to bedrock was 2 metres while the depth of ground surface to the water table was 1.8 metres. P and T tests of 20 and 23 respectively were recorded on site. It is considered that the site is suitable for a septic tank and filter system or a package wastewater treatment system and polishing filter on the subject site.

4.3.7. The planner's report notes that significant adverse effects on habitats and species on adjoining Natura 2000 sites cannot be ruled out at this stage and further information is required in this regard. Other information contained in the internal reports referred to above is also set out in the planner's report as is the planning history (see below). The planner's report recommends further information in relation to the following:

- It is noted that the site is located immediately south of Natura 2000 sites. Mayo County Council require the following information:
 - A bat survey.
 - A bird survey.
- It is noted on the day of the planner's site inspection that some test hole contained some water and a high-water table was also evident. Mayo County Council has concerns regarding effluent treatment on site. The applicant is requested to propose a raised percolation area ensuring that a minimum thickness of 0.9 metres of free draining unsaturated soil for attenuation purposes.
- The applicant is also requested to submit details of the proprietary wastewater treatment system.
- The applicant is requested to submit a revised site layout which illustrates the location of the entire effluent treatment system for adjacent dwellinghouses in the vicinity.
- The applicant is requested to submit a detailed landscaping scheme with trees and plants native to the rural area and which indicates all trees and hedges that have to be retained on site. The applicant is requested to submit details

as to how the proposed development will not overlook amenity areas of the two dwellinghouses located in the vicinity.

- By way of an advice note Mayo County Council has concerns regarding the two-storey element of the proposed extension on this elevated ground which could lead to overlooking and detract from the visual and residential amenities of the area. It is advised that the two-storey element of the proposed extension be omitted.

4.4. Further Information Submission

- 4.4.1. In relation to the proposed wastewater treatment system the Planning Authority comments have been noted and while it is believed the waste at the trial hole is surface water run-off from the adjoining road the report has been revised incorporating a winter water table of 0.65 metres below ground level. It is now proposed to incorporate a tertiary treatment system. Further details have also been provided in relation to the proposed treatment details.
- 4.4.2. A bat and bird survey was also submitted but notes that the building supports several features with the potential to facilitate bat use. It is noted that a small number of bat droppings were present internally within the structure. It notes that the building provides good roosting opportunities for at least one species of bat and that two soprano pipistrelle bats were recorded emerging from the fascia boards of the building. The bat species recorded at the site are of favourable conservation status.
- 4.4.3. In terms of birds, two swallow nests were present. One in the north-western room and one in the easternmost room. It is noted that there is potential for disturbance to both bats and birds should the proposed refurbishment works be taken during the active season which in the case of bats is April to September and in the case of birds, March to the end of August. A number of mitigation measures are set out in the report and with the effective implementation of these mitigation measures, no significant residual impacts are required.
- 4.4.4. Details were also submitted in relation to revised layout map and revised plans and elevations and a proposed extension has been reduced in its entirety to single storey and is now a maximum of 5.2 meters in height.

4.5. Further Assessment by Mayo County Council

- 4.5.1. In relation to the preliminary flood risk assessment Mayo County Council note that no further analysis is required in respect of this particular application. It is noted that the Department of Culture, Heritage and the Gaeltacht has not commented on the further information submission, notwithstanding that it was referred to them for comments. It is noted from the report on file from Water Services that there is no Irish Water public mains in this location and the applicant will therefore be reliant on a group water scheme and this issue should be addressed by way of condition.
- 4.5.2. Overall It is considered that the applicant has adequately addressed the issues raised in the additional information request and therefore it is deemed appropriate to grant planning permission.

5.0 Planning History

Under Reg. Ref. 01/1877 Mayo County Council issued notification to grant planning permission for the erection of a dwellinghouse, septic tank and percolation area on 13th November, 2002. It appears that this decision was the subject of a third party appeal and the application was subsequently withdrawn.

Under Reg. Ref. 07/2113 planning permission was sought for the development of the refurbishment and extension of a derelict cottage on the subject site. This application was lodged on 31st July, 2007 and was subsequently withdrawn.

6.0 Grounds of Appeal

- 6.1. The decision of Mayo County Council to grant planning permission was the subject of a third party appeal by John and Maureen Hardy. The grounds of appeal are outlined below.

- The proposed development is located in a rural area of natural scenic beauty on the shores of Lough Conn where there is a high density of dwellings present in the area. It is argued that the proposed development would be detrimental to the environment of the area.
- The applicant in this instance does live in the area and has never lived in the area. The applicant currently resides in London. It is stated that the applicant

only owns one quarter of the property. Farmers sons and daughters cannot get planning permission to build or live in the area, yet Mayo County Council considers it appropriate to grant planning permission to the current applicant.

- The development plan only permits rural housing for persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives living in the rural area which they propose to build a home. The applicant does not work in the area and there is no clarity as to where the other three owners who allegedly own lands live or work. The proposed property will overlook the two adjoining neighbouring properties, and this will be exacerbated by the fact that the proposed development is located on higher ground than the existing properties. The token planting of a hedge will not alleviate this problem. Council criteria dictates that any development should be 35 metres from adjacent homes and this is not met under the current application. The proposed sewage treatment system is less than 100 metres from the Lough Conn high water mark. This is contrary to Section 20.2.3 of the development plan.
- It is noted that there have been numerous planning applications submitted on this site all of which have either been refused or withdrawn.
- The scale drawings submitted to the Council are incorrect and very misleading. The proposed dwelling is almost the same size as the two adjacent properties on the drawings proposed. The proposed dwelling is shown as tiny in comparison with the two existing properties and this is deliberately misleading.
- In conclusion it is stated that the development will have an unacceptable visual, social and environmental impact. Furthermore, Mayo County Council have contravened all the rules and criteria set out in the development plan and for the above reasons it is recommended that permission be refused.

7.0 Appeal Responses

7.1. Mayo County Council's Response to the Grounds of Appeal

- 7.1.1. The planning authority have not submitted a response to the grounds of appeal.

7.2. Applicants Response to the Grounds of Appeal

7.2.1. A response was submitted on behalf of the applicant which is summarised below.

- The proposal is to refurbish and extend the derelict cottage which has lain unoccupied for many years and has fallen into a state of disrepair. The property has been in the applicant's family for many years and is owned by her parents. The extension has been designed to be sympathetic to the existing structure and respectful of its scale and form. On foot of additional information, the overall size and scale was reduced to single storey.
- The proposed development is consistent with development plan policy in that the existing vacant residential property is to be refurbished and extended in order to provide a habitable home. The above policies apply to all areas in the county and as such the restrictions set out in Section 2.3.1 of the Mayo County Development Plan do not apply. Thus, the grounds of appeal based on the applicant's connection to the area and housing need are not applicable in this instance.
- It is acknowledged that the site is located adjacent to a designated scenic route (R310). However, it is stated that views of Lough Conn and Nephin from the R310 will not be interrupted by the proposed development. The proposed extension will create no greater imposition on the existing landscape than the structure already on the site. Furthermore, the dwelling is surrounded by dense mature hedgerows which will screen it from view.
- The subject site is bounded on all sides by mature hedgerows of hawthorn and blackthorn and this will provide natural screening in order to prevent overlooking. There will be no opposing windows between the existing and proposed house and this is well illustrated in the photograph submitted by the appellant which confirm that there is minimal, if any, overlooking from the subject site to neighbouring properties.
- The proposed wastewater treatment system has been designed in accordance with the EPA Code of Practice for Wastewater Treatment Systems for Single Houses by an approved EPA assessor. The system is located 109 metres from the high watermark of Lough Conn and therefore is

in accordance with the Mayo County Development Plan. A map is attached illustrating this.

- It is concluded therefore that the proposed development meets the objectives contained therein and therefore constitutes proper planning and development for the site and on this basis it is recommended that the decision of Mayo County Council be upheld in this instance.

8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Mayo County Council 2014 – 2020. The subject site is not located on lands governed by any specific land use zoning objective. The site is located in an area designated as being a rural area under strong urban pressure.

8.2. In terms of policy, Policy P-06 states it is the policy of the Council to support the sustainable development of the countryside and rural villages in the county.

8.3. Section 2.3.1 sets out policies in relation to rural areas under strong urban influence. In areas classified as rural areas under strong urban influence applicants shall satisfy the Planning Authority that the proposal constitutes a genuine rural generated housing need based on their own roots or links to a particular rural area and in this regard must demonstrate that they comply with one of the following criteria of housing need.

- Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives, living in the rural area which they propose to build a home. This category refers to;
 - (a) Farmers, their sons or daughters or any persons taking over the ownership or running of a farm who wish to build on the family farm.
 - (b) Sons or daughters of non-farming persons who have spent a substantial period of their lives (at least five years) living in the rural area of which they propose to build and wish to build a home near their family place of residence.
 - (c) Returning emigrants who have spent a substantial period of their lives living in the rural area which they proposed to build who now wish to

return and reside near other immediate family members to care for an elderly immediate family member or work locally or retire.

- (d) Persons working full-time or part-time in the rural area which they propose to build a first house. For the purpose of clarity proposed sites shall generally be required to be located within 10 kilometres in any direction of the appellant's place of work.
- (e) Where a person has been granted permission for a rural housing proposal on the basis of his/her roots or links to the area an occupancy condition will normally be imposed.

- 8.4. Section 1.3 of Volume 2 of the Plan states that replacement dwellings or development of other structures to habitable homes will be considered in all areas subject to normal planning considerations such as the availability of services, adequacy of ground conditions for disposal of effluent, traffic safety, residential amenity, visual amenity etc.
- 8.5. Section 7.3 of Volume 2 of the Plan states that rural housing shall be designed in accordance with design guidelines for rural housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or residential amenity of the area.
- 8.6. Section 16.3 sets out access visibility requirements. In relation to regional and local roads a minimum wide distance of 50 metres will be required based on a design speed of 42 kilometres per hour.

Section 20.2.2 states that in an unserviced rural area where a proposed dwelling cannot connect to the public sewer, a site suitability assessment will be required. The assessment must be carried out in accordance with the EPA Code of Practice taking into account the cumulative effects of existing and proposed developments in the area. The assessment shall be carried out and certified by a suitably qualified person with professional indemnity insurance. In coastal lakeside areas any effluent disposal system or percolation area for a single dwelling shall be located at least 100 metres from the high watermark of the sea/lake and 100 metres from any lands liable to flooding.

8.7. **Natural Heritage Designations**

- 8.7.1. At its north-western boundary contiguous to the R310 the subject site is located within 10 metres of the Lough Conn and Lough Cullin SPA (Site Code: 004228) and the River Moy SAC (Special Area of Conservation) (Site Code: 002298).
- 8.7.2. The proposed septic tank and percolation area is located approximately 110 to 120 metres from the same Natura 2000 sites.

8.8. **EIAR Requirement**

- 8.8.1. Having regard to the limited nature and scale of the proposed development which relates to the refurbishment and extension to an existing structure it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

9.0 **Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings, and have had particular regard to the issues raised in the grounds of appeal. I consider the critical issues in relation to determining the current application and appeal before the Board are as follows:

- Housing Need Criteria
- Suitability of the Site to Accommodate an On-site Wastewater Treatment System
- Appropriate Assessment Issues
- Visual Impact
- Residential Amenity Issues
- New Issues

Each of these issues will be dealt with under separate headings below.

9.1. Housing Need Criteria

- 9.1.1. A covering letter submitted with the application states that the property has been in family ownership for several generations and the applicant in this instance intends to return to make the dwelling the permanent place of residence. The submission goes on to state that as the proposed development is an extension and refurbishment to an existing dwelling and as such there is no requirement to comply with the housing need criteria set out in the development plan. Notwithstanding this, it is argued that the applicant fully complies with the provisions of Section 2.3.1.1(c) of the development plan. This criterion relates to returning emigrants who spent a substantial period of their lives living in the rural area in which they proposed to build and now who wish to return to reside near other immediate family members to care for elderly immediate family members, to work locally or retire. The application suggests that the applicant also meets the criteria on the basis that the proposal constitutes a replacement dwelling or a development of other structures to habitable homes and therefore subject to normal planning considerations such as the availability of services, adequacy of ground conditions for the disposal of effluent, traffic safety, residential amenity etc. permission should be granted.
- 9.1.2. The development plan is clear and unambiguous in my view that replacement dwellings will be considered on their merits. This in my opinion does not equate to the non-requirement to comply with the criteria in respect of housing need set out under Section 2.3.1 of the development plan particularly in relation to areas under strong urban pressure. The development plan is clear in setting out strict criteria which must be met in order to build and live within an area under strong urban pressure. The applicant has not submitted any documentation in support of the applicant in respect of meeting the criteria. With regard to section 2.3.1.1.(c) of the development plan, no details have been provided that the applicant has spent a substantial period of her life in the area, is returning to live near family members, or care for the elderly or retire. It is indeed possible that the proposal re-development of the site may be for the purposes of a holiday home, and this could have implications for on-site wastewater treatment. If the Board are minded to grant planning permission, I would recommend that it seek further details in the matter of fulfilling the criteria on housing need as set out in S.2.3.1 of the development, particularly as the site is located in an area under strong urban influence.

9.2. **Suitability of the Site to Accommodate an On-site Wastewater Treatment System**

- 9.2.1. The issue of on-site wastewater treatment was raised as an issue by the planning authority in its initial assessment, primarily on the basis that a high-water table was encountered during the site inspection. To address this matter the applicant proposes to place a tertiary treatment system on site. This in my view would provide an appropriate solution, as it will allow appropriate attenuation of effluent within the proprietary WWT system and polishing filter prior to discharging to groundwater. The site has good percolation characteristics as evidenced by the P and T tests carried out on site. With the provision of a proprietary WWTS and a mounded polishing filter I am satisfied that effluent can be adequately treated and discharged off site provided the dwelling is used on a permanent basis. The use of the dwelling on an intermittent basis, say for example as a holiday home, is more likely to result in biomass associated with secondary treatment to die-off, thereby making the attenuation of the effluent much less efficient within the treatment system and this in turn could result in pollution.

9.3. **Appropriate Assessment Issues**

- 9.3.1. This issue in my view has not been adequately dealt with at local authority stage. The site is in close proximity to the Lough Conn and Lough Cullin SPA, and Lough Conn high water mark which forms part of the River Moy SAC. At its closest, the site is c.10m from both the boundary of the SAC and the SPA. While the applicant submitted an AA screening Report, this report quite clearly incorporated mitigation and pollution control measures in order to allay any concerns in respect of potential impacts on Natura 2000 sites. It is also clear from the report from the NPWS on file, that there are a number of concerns in respect of potential impacts both in terms of pollution of waters associated with the SAC and disturbance of birds associated with the SPA, particularly during the construction phase. Mayo Co Council, on the basis of these expressed concerns should in my opinion, have requested the applicant to submit a stage 2 appropriate assessment, rather than merely requesting the applicant to submit a bird and bat survey. If the Board are minded to grant planning permission in this instance, it is recommended that prior to doing so, it should request an NIS so as to fully ascertain the potential impacts which could arise on the qualifying interests associated with the Natura 2000 sites. It is my considered

opinion based on the information contained on file and the explicit concerns expressed by the Department together with the fact that mitigation measures were included in the stage one screening report, that the Board would be precluded from granting planning permission for the proposal in the absence of the applicant submitting NIS.

9.4. Visual Impact

- 9.4.1. The issue of visual impact is of significant concern in the grounds of appeal. Having inspected the site and its surroundings I acknowledge at the site is located in a very scenic area overlooking Lough Conn. The R310 in the vicinity of the site is also listed as a scenic route. However, having inspected the site in the vicinity of the scenic route, I note that the existing building on site is not readily discernible. The proposed extension is modest in height and size and responds sensitively to the environment in which it is set. The presence of extensive and mature vegetation along the boundary and within the site will ensure that the proposal is well screened from public view and will not adversely affect the visual amenity of the area.
- 9.4.2. The development is located at a higher elevation than the two dwellings closer to the regional route in the vicinity of the site. However, I consider that with adequate screening as well as the separation distance between the dwellings, the visual impact arising from the proposed extension will not be significant or material and would not constitute reasonable grounds for refusal.

9.5. Residential Amenity Issues

- 9.5.1. In terms of residential amenity, the main issue which could potentially arise in amenity terms relates to overlooking. While the proposed development is located on more elevated land than the appellants property, the proposal is single story and this significantly reduces the potential for overlooking. It is my considered opinion that appropriate landscaping could be provided within the site in order to ensure that adequate screening is provided in order to obviate the potential for overlooking.

9.6. New Issue

- 9.6.1. Although not raised in the grounds of appeal, and only briefly referred to in the planner's report, I consider the access arrangements to the site to be a material consideration in determining the appeal. Sightlines at the proposed entrance are severely restricted particularly in a north-easterly direction. The planners report

refers to the fact that sightlines of between 20 and 40 meters are available in either direction at the entrance. Table 9 vol. 2 of the development plan, specifies that, in the case of a local rural road, even at design speed of 42 kph, a minimum 'Y' distance of 50m is required. Furthermore, the access road itself is very narrow with few passing points available along its alignment. This together with the steep elevation makes it difficult for vehicles to negotiate travelling in opposite directions along its alignment. There are also a number of bends where forward sightlines are severely restricted. I would question the appropriateness of permitting new development along this narrow and substandard road and the precedent with a grant of planning permission would set for similar type development

10.0 Recommendation

- 10.1. Arising from my assessment above I consider that significant issues arise in respect of the proposed development. I am not satisfied that the applicant has demonstrated that she has satisfied the housing need criteria for areas under strong urban influence as set out in the development plan. Furthermore, the applicant in carrying out an stage 1 appropriate assessment has incorporated mitigation measures in order to screen out any potential effects and there are concerns that the proposal could impact on natura 2000 sites in the vicinity. In this regard an NIS should have been submitted in order to address this issue. Finally, I consider that the access road serving the site and the sightlines at the entrance are insufficient and would constitute a traffic hazard. The Board may consider the latter issue to be new, as it was not specifically raised in the grounds of appeal, (although the more general issue of access and sightlines was referred to in the planning report) and therefore the Board may wish to raise it with the parties concerned prior to issuing a final determination on the appeal. If the Board are minded to grant planning permission, I recommend that the applicant be required address the above issues prior to determining the appeal.
- 10.2. I therefore recommend that planning permission be refused for the reasons set out below.

11.0 Decision

Refuse planning permission for the proposed development based on the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users.
2. On the basis of the information provided with the application and appeal, and in the absence of an Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, are in combination with other plans and projects would not result in adverse effects on the integrity of European sites specifically the River Moy SAC (site code 002298) and the Lough Conn and Lough Cullin SPA (site code 004228) by reason of disturbance to birds and the potential for water pollution particularly during the construction phase. In such circumstances the Board are precluded from granting planning permission.

Paul Caprani
Senior Planning Inspector

December 21st 2020