



An
Bord
Pleanála

Inspector's Report ABP310218-21

Development	Construction of a house, and gallery, artist studio and café (Protected Structure).
Location	Lands between the N59 and Trawoughter Strand, Mulranny, County Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	19/1028.
Applicant	Tony Doyle.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Tony Doyle.
Observers	(i) Philip Blackstock, (ii) Patrick and Margaret Moran, (iii) Brian Arnold.
Date of Site Inspection	27 th July, 2021.
Inspector	Paul Caprani.

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1.0 Introduction

ABP310218-21 relates to a first party appeal against the decision of Mayo County Council to refuse planning permission for a house, an art gallery, art studio and café at a site in the village of Mulranny in County Mayo. The single reason for refusal stated that the overall development would have a negative impact on the historic setting of Mulranny Park Hotel, pump/engine house and causeway, all of which are located within the curtilage of the protected structure known as the Great Southern Hotel (RPS Ref. 0121). Observations were submitted supporting the decision of the Planning Authority.

2.0 Site Location and Description

- 2.1. The subject site is located in the western outskirts of the village of Mulranny in West Mayo. The site is located on the southern side of the N59 to the immediate south of the Mulranny Park Hotel between the national secondary route and the northern shore of Clew Bay, known locally as Trawoughter Strand. It incorporates an acute downward slope from the national secondary route to the shoreline. The site is relatively large almost 300 metres width and c.60 metres in depth. The site has a stated area of 2 hectares and accommodates dense deciduous woodland. A set of steps from the N59 traverses the centre of the site which leads to a bridge and causeway which protrudes southwards beyond the shoreline into Clew Bay. Approximately halfway down the site to the immediate west of the steps there is an old pumphouse which in the late 19th century commissioned to pump water from the coast to a natural sea-water swimming pool in the grounds of the (then) Great Southern Hotel. It comprises of a 19th century stone structure which is currently in a derelict condition. The N59 is a relatively heavily trafficked route particularly during the summer months as it provides access to and from Westport / Newport to Achill Island.

3.0 Proposed Development

- 3.1. Planning permission is sought for the following on the subject site.

- The construction of a new private house and studio at the north-eastern corner of the site adjacent to the N59. A new layby is to be created directly off the N59 in order to accommodate two new car parking spaces. The private house with the top floor adjacent to the roadway accommodates the entrance into the structure together with a cloakroom, a lobby area, a bin store and a lift leading to the lower floors which are located below the level of the roadway adjacent. The entrance level rises 3.35 metres above the level of the roadway. The first-floor plan below the entrance comprises of an open plan living, dining and kitchen accommodation. The lowest floor (ground floor) accommodates three en-suite south facing bedrooms together with a separate entrance on the south elevation comprising of glazed oak doors. The southern elevation rises to a height of just over 6.1 metres and comprises of triple glazed aluminium windows hung on an external galvanised steel frame. The structure is to incorporate a flat sedum roof. To the immediate west of the private dwellinghouse a private sculpture courtyard separates the building from a single storey workshop/studio which incorporates a floor to ceiling height of 6.15 metres. This likewise comprises of triple glazed aluminium windows hung on external galvanised steel braces. Both buildings incorporate a sedum roof with solar panels.
- In the centre of the site adjacent to, and to the immediate west of, the existing stepped pathway leading down to the causeway, it is proposed to refurbish the existing pumphouse in order to accommodate a café. To the immediate north of the café it is proposed to provide a courtyard area together with a new structure which will accommodate a kitchen associated with the café and ancillary space and a new guest artist studio and gallery¹. Both buildings are single storey in height and the new build is to incorporate solar panels on the roof section.
- It is also proposed to provide a new sculpture trail located on a universal access ramp beginning at the north-western corner of the site and traversing the centre of the site as far as the eastern boundary before turning westwards and ending at the café at the centre of the site. This universal access ramp is

¹ This latter structure was omitted by the applicant on foot of an additional information request.

to accommodate no less than 16 sculptures along the ramp each of which are spaced at intervals of approximately 20 metres. The universal access ramp is approximately 2 metres in width and bounded by a wooden rail. Electric vehicles and charging points would be available at points along the walkway. The sculpture trail is approximately 330 metres in length. The raised timber walkway is approximately 2 metres above ground level comprising of timber columns fixed to stainless steel sunken piles.

- The commercial element of the proposed development amounts to 310 square metres while the house has a gross floor area of 340 square metres according to the planning application form submitted with the application.
- Finally, the proposal also involves the replacement of the existing steps which traverse the centre of the site and lead from the N59 to the roadway.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Mayo County Council issued notification to refuse planning permission for the proposed development for a single reason which is set out in full below.

The proposed development due to the scale and nature of the overall development would have a negative impact on the historic setting of the hotel, pump/engine house and causeway located within the curtilage of the protected structure known as the Great Southern Hotel RPS Ref. No. 0121 and would materially and adversely affect the character, heritage value and setting of the protected structure and would materially contravene the objectives of the Planning Authority as set out in the Mayo County Development Plan 2014 – 2020 and Policy Objectives

- *AH-01 – it is the objective of the Council to protect buildings and structures included in the Record of Protected Structures (RPS) which forms part of this Plan (Volume 4).*
- *AH-03 – it is an objective of the Council to ensure that any development, modification, alteration or extension affecting a protected structure and/or its setting is sensitively designed and sited and is appropriate in terms of*

proposed materials, scale, density and layout, impact on historic features and junction with the protected structure and would therefore detract from the special interest, character and setting of the protected structure.

Therefore, it is considered that the proposed development would interfere with the character of the landscape or with a view or prospect of special amenity value or natural interest or beauty, any of which is necessary to preserve, and would be contrary to the proper planning and sustainable development of the area.

4.2. Documentation Submitted with the Application

4.2.1. The application was accompanied by the following reports and documents.

- A Covering Letter submitted with the application notes that the application site has been in separate ownership from the Mulranny Park Hotel for approximately 20 years. Notwithstanding this, the applicants are informed that the subject site and structure within the site is deemed to be within the curtilage of the hotel which is a protected structure. It states that the applicant plans to contribute to a burgeoning and very successful arts educational tourism industry which is developed in Mulranny. The applicant would be both a permanent resident and will bring employment to the rural village. It is argued that the area of Mulranny which is rich in scenery, culture and spirituality is an ideal location for artistic expression and this is why there is a significant and thriving art tourism industry in the area. The report goes on to set out the evolution of the design rationale which informed the current application before the Board. It is argued that the art centre will not be visible from the roadway and will not be visible looking northwards back from the causeway.
- An Architectural Heritage Impact Assessment which concludes that the existing building on site (pump house) is in a delapidated state but is nevertheless in generally good structural condition. It will be necessary to underpin the south and west walls and remove and replace corroded steel lentils and fill a number of cracks in the external wall.
- A separate Infrastructure Report (surface water discharge, foul water discharge and watermain details was also submitted with the application). A

new watermain for the development will be connected to the existing watermain infrastructure along the N59. In terms of surface water disposal, it is stated that surface water from each building will be collected in a surface water gravity sewer and discharged to the sea via a rock armour/diffuser. Effluent will be collected in a pumping chamber and pumped through a rising main to the existing public network which runs along the N59 opposite the Mulranny Park Hotel.

- An Appropriate Assessment Screening Report and Natura Impact Statement was also submitted. It notes that the proposed development is partially located within the Clew Bay Complex SAC (Site Code: 001482). Details of the qualifying interests associated with this SAC is noted. It is noted that the Owenduff/Nephin Complex SAC (Site Code: 000534) is located approximately 250 metres north of the site.

Given the proximity of both sites it was concluded that both sites have the potential to be adversely impacted upon as a result of the proposed development.

It notes that a number of potential adverse effects to site integrity could occur as a result of the proposed development through surface water and groundwater pollution, noise, invasive species and artificial lighting. Chapter 9 of the NIS sets out a series of mitigation measures aimed at ensuring no adverse impacts occur; it concludes that the mitigation measures prescribed in Section 9 will provide protection to all the qualifying interests within the zone of interest in the proposed development. Any residual impacts on the qualifying interests will not constitute adverse effects on any European site.

- Also submitted was an Ecological Appraisal Report. It sets out details of the ecological composition of the subject site. In terms of the occurrence protected species, it was noted that there was no evidence of any badger or otter habitats on site. The pumphouse was confirmed as a roost for a single soprano pipistrelle bat in May, however no bats were observed emerging from the building in June. No suitable habitat for wintering birds were found within the proposed development site. Any vegetation clearance will be restricted to the non-breeding season. No amphibians or other protected species were

found on site. 8 different habitats were identified within the boundary of the proposed development, and these are detailed in Section 4.2.1 of the report. The final section of the report sets out a series of mitigation measures to ensure that any potential disturbance of habitats or species are kept to the minimum.

- A Structural Condition Report of the existing former pumphouse on site reaches the same conclusions of that contained in the Architectural Heritage Assessment Report that the existing building is capable of being refurbished and reused on site.
- A Traffic and Transport Review was also submitted. During pre-planning discussions, it was decided that there should be no vehicular access or parking provided on site as part of the proposed development. All visitors travelling by car will be required to use the existing parking stock available in the village and then gain access by foot. The operator to the proposed development would support any remedial measures being considered by Mayo County Council to improve pedestrian activity along the N59 between the proposed site and Mulranny Village Centre. It is noted however that a pedestrian crossing is proposed across the N59 linking the Mulranny Park Hotel with the stairs leading to the causeway and the proposed development. It is proposed to provide an additional loading bay/layby facilitate to serve the development along the site frontage immediately west of the main entrance to the hotel.
- Also submitted with the application was a Tree Survey Report and an Arboricultural Impact Statement. The arboricultural impact statement details the trees to be removed to make way for the proposed development.

4.3. Initial Assessment by the Planning Authority

- 4.3.1. The initial planner's report makes reference to various internal reports (some of which do not appear on file).
- A report from the Architect's Department suggest that the information submitted are far too vague to ensure the quality of detail and finish.

- A report from the Development Applications Unit of the Department of Tourism, Culture, Arts, Heritage and the Gaeltacht request more information in relation to the Natura 2000 network and bat roosting grounds at the old pumphouse.
- A separate report from the Conservation Architect considers that the scale and nature of the proposed development would have a negative impact on the protected structure with the exception of the proposal to restore the pumphouse.
- A report from the Archaeologist requested that a more detailed assessment is required.
- A number of letters of objection were submitted, the contents of which have been read and noted.

4.4. Additional Information Request

4.4.1. On foot of the submissions the Planning Authority requested further information in relation to the following.

- Revised public notices making specific reference to the submission of a Natura Impact Statement.
- Land Register Folio details confirming that all lands within the red boundary of the site are within the applicant's legal ownership.
- The submission of an Archaeological Assessment.
- Further details of the proposed access to the development.
- Further details in relation to external finishes for all access road/trails associated with the development.
- Further details in relation to car parking.
- Further details with regard to the internal access road/path which shows existing and proposed gradients.
- Clarification in writing for the proposed sculpture trail is to be utilised as a pedestrian or vehicular trail or both.

- Further details in relation to public sewer connections, public watermain connections and surface water disposal.
- Accurate rendered elevations in 3D images of the proposed buildings and how they can be assimilated in this sensitive coastal landscape.
- Submissions of a contextual elevation of the entire site as viewed from the causeway and viewed from the N59.
- Further details in relation to the proposed steps and paving proposals and proposed public lighting.
- Further details of the proposed ramp, rails and sculpture stands together with charging points for any electric vehicles using the walkway trail on a scale of 1-10.
- Further details in relation to all proposed signage associated with the art centre/café.
- Submission of a site-specific knotweed eradication/treatment plan.
- By way of an advice note it is stated that the Planning Authority have concerns in relation to the scale of the proposed development particularly in respect of the bulk and scale of the arts centre and this aspect of the development, it is recommended, be omitted from the overall design as this building was not agreed at pre-planning stage. It is also stated that Mayo County Council remain to be convinced in relation to the suitability of the overall proposed development at this sensitive location.
- On the 24th July, 2020 the applicant requested a three month extension in submitting the further information.

4.5. Further Information Submission

- On 23rd November, 2020 further information was submitted.
- Revised newspaper notices were submitted making specific reference to the NIS.
- Land Registry Folio details confirming the applicant's legal ownership were also submitted.

- A detailed archaeological assessment was carried out in respect of the proposed development and a separate report in relation to same was submitted.
- With regard to the vehicular entrance, it is stated that a new vehicular entrance off the N59 serving the proposed house is clearly shown on the site layout plan.
- Revised drawings were submitted which state that, in accordance with the Planning Authority's advice note, that the art centre is to be omitted.
- It is stated that access to the café will be permitted via the existing steps and wheelchair access will be available via the proposed sculpture trail. There is no proposal to provide a vehicular road or car park into the site to serve the café as this would adversely impact on the cultural and aesthetic experience. As a result, no access roads are proposed into the site. Details of the proposed surface finish materials of the ramp and rails are provided.
- A longitudinal section of the proposed ramp/walkway has been submitted.
- It is stated that the raised timber walkway/ramp is intended as a purely pedestrian route to complement the exiting steps down from the N59 to the causeway. It will enable wheelchair users, parents with buggies and other perambulatory challenged persons to access the causeway. The electric vehicle charging points are for golf cart type electric vehicles to transfer supplies to and from the proposed café to the proposed off-street loading bay.
- Further details of foul, surface water and water supply services are indicated on Drawing No. 09.07.208S (the Board will note that this drawing is located in a pouch to the front of the file).
- 3D images showing the proposed development are also submitted. The Board will note that only one of these images (09.07.213S are contained in the pouch to the rear of the file, the reminder are located in a pouch to the front of the file). It is stated that the buildings proposed will be virtually invisible from the road or the causeway.
- Details of contextual elevations are also indicted (on Drawing 09.07.215S). It notes that between 90 and 99% of the elevations will comprise of vegetation.

- Details of the proposed replacement steps are indicated on Drawing Nos. 09.07.210S. It is noted that it is not possible to depict the existing steps due to the uneven nature of the existing steps. A full drawing of the proposed steps are indicated on Drawing No. 09.07.210S.
- Details of the proposed ramp are indicated on Drawing No. 09.07.211S.
- In relation to signage it states that no details of signage has been submitted as none has been visualised at the present time.
- An Invasive Species Management Plan was submitted prepared by Ecoweed Control Limited. The management plan proposes the options for herbicide treatment together with reduced levels and deep dig remediation together with on-site burial cell or off-site disposal to a licenced landfill facility as the controlled method for the site. All invasive plant species will be excavated under the supervision of a specialist contractor whereby all material and contaminated soil will be excavated and relocated to a suitable burial area on site prepared with a roof barrier membrane or off-site disposal to a licenced landfill facility where on-site burial is not preferred or possible.
- Finally, drawings are submitted which now excludes the art centre.

4.6. Further Assessment by the Planning Authority

- A report from the National Roads Office states that the application does not raise any issues for the national road system that needs to be addressed or conditioned by the Mayo National Roads Office.
- On 14th January, 2021 Mayo County Council requested that the applicant readvertise the proposed development on the basis that significant further information was submitted in accordance with the provisions of Section 35(1)(a) of the Planning and Development Regulations.
- The applicant was also requested to submit formal land registry folio and map details. Pending receipt of the above further information on this application is deferred.

- By way of an advice note Mayo County Council reiterated the concerns in relation to the negative visual impact arising from the proposed development at this sensitive sylvan coastal setting.
- Furthermore an EV golf type buggy arrangement connecting the commercial premises to the N59 through the woodland setting for the delivery of goods and disposal of waste etc. is considered impractical in nature.

4.6.1. Further information was submitted on 18th March, 2021.

- It contains details of the public notices and further details in relation to a formal land registry folio and map details.
- In relation to the issues raised by way of advice note, it is argued that the proposed development constitutes a modest single storey extension to the rear of the existing pumphouse structure providing the minimal necessary services to support a small café and therefore would not have a significant impact on the protected structure. Arguments are reiterated in relation to the positive impact that the proposed development will have on tourism and investment in the Mulranny area. The submission goes on to argue that the proposed electric vehicle method of service is not impractical and can be adequately catered for by the proposed access arrangements.

4.6.2. Further 3rd Party letter of objection on foot of the clarification of additional information was submitted, the contents of which have been read and noted.

4.6.3. Notwithstanding the additional information submitted, Mayo County Council considered the information submitted and decided to refuse planning permission for the proposed development for the reason set out above².

5.0 Planning History

There appears to be no planning history associated with the appeal site.

² Notwithstanding a request from An Bord Pleanála, no final planning report was prepared and /or furnished to the Board.

6.0 Grounds of Appeal

- 6.1. The decision of Mayo County Council to issue notification to refuse planning permission was the subject of a first party appeal. The appeal was submitted on behalf of the applicant by Edmondson Architects. The grounds of appeal are outlined below.
- 6.2. The grounds of appeal questions whether the pumphouse in question is in fact a protected structure. It is noted that RPS Ref. 121 refers to the Great Southern Hotel, Mulranny. There is no specific reference to the pumphouse. It is noted that in other protected structures listed in the development plan where appropriate, reference is always made to ancillary buildings and outhouses in the description of the protected structure. It is also noted that the hotel and pumphouse are located in two separately owned properties that are separated by a national road - the N59. The two properties are also separated by a distance of 94 metres and one structure is not visible from the other. Furthermore, any connection between the saltwater pumping mechanism and the hotel in question has been entirely abandoned since the original swimming pool, which the pumphouse served has been filled in. On the basis of the above, the applicant requests An Bord Pleanála to give direction as to whether or not the pumphouse is de facto a protected structure.
- 6.3. It is argued that what is being proposed in this instance is responsible, appropriate and sensitive to the receiving environment. The proposal will result in significant planning gains including the salvation and restoration of the pumphouse together with a new sustainable economic use. The proposal will result in the restoration of the existing steps which currently do not comply with the Building Regulations and the provision of an ramped walkway opens the area up to the mobility impaired. The restoration of the pumphouse would salvage a building which incorporates significant structural damage.
- 6.4. The grounds of appeal provide photographic evidence which contend that many of the alterations and adaptations associated with the Mulranny Park Hotel are less sensitive than the proposed restoration of the pump house currently before the Board. Specific reference is made to the various apartment developments and townhouses which are located in close proximity within the hotel grounds as well as

a number of extensions and alterations to the hotel which it is argued, are inappropriate and unsympathetic in overall design terms.

- 6.5. The grounds of appeal go on to argue that the proposed development complies with and indeed reinforces many of the strategic aims set out in the core settlement strategy in respect of developing, investing, and living in Mayo.
- 6.6. Finally, the grounds of appeal express concerns in relation to the time taken to determine the application and the costs involved which included numerous information requests and reports which ultimately resulted in a refusal of planning permission.

7.0 Appeal Responses

It appears that Mayo County Council have not submitted a response to the grounds of appeal.

8.0 Observations

- 8.1. A total of 3 observations were submitted.
- 8.2. **Observation from Patrick and Mary Moran**
 - 8.2.1. It is stated that while the sculpture trail may be wheelchair accessible the fact still remains that the causeway will not be wheelchair accessible having regard to the coarse gravel along the surface.
 - 8.2.2. The proposal ignores the fact that there is a brand-new artist studio and gallery being finished with the sensitive restoration of the old convent building.
 - 8.2.3. While the applicant argues that the pumphouse is not a protected structure, there is no denying that the structure itself is quite old and therefore is deserving of a preservation order. It is also noted that there are bats roosting inside the structure.
 - 8.2.4. The lighting proposed along the ramped walkway is also of concern.
 - 8.2.5. While there may have been insensitive developments within the town of Mulranny in the past, this should not be used as justification to permit the application.
 - 8.2.6. It is argued that the proposed development will have a more strident visual impact when some of the trees are removed to cater for the proposal.

- 8.2.7. It is noted that Mulranny has now been successful in its bid to become Mayo's decarbonisation zone committed to reducing the carbon footprint by a minimum of 7% annually. The removal of trees will not assist in achieving these goals.
- 8.2.8. Finally, it is stated that the provision of one additional house will in no way address the potential expansion and population of the village as argued in the grounds of appeal.

8.3. Observation by Brian Arnold

- 8.3.1. Reference is made to various policy statements contained in the Mulranny Village Design Statement and it is argued that the statement is clearly designed to enhance the overall amenities of Mulranny particularly in respect of access to the causeway from the hotel and from the village.
- 8.3.2. Reference is also made to the Mulranny decarbonisation zone.
- 8.3.3. The submission goes on to detail the issues raised in the grounds of appeal and argues that there is no objective reasoning in the grounds of appeal that recognises the overall planning objectives for Mulranny. It is argued that much of the language used in the grounds of appeal is somewhat emotional in nature and it is argued that Mayo County Council have made a clear decision based on clear planning criteria that the proposed development would not constitute the proper planning and sustainable development in this beautiful and sensitive village environment. For the above reasons An Bord Pleanála are requested to uphold the decision of Mayo County Council.

8.4. Observation by Dr. Philip Blackstock

- 8.4.1. An observation was submitted by Dr. Philip Blackstock, Arboricultural Consultant. It states that it was brought to the observer's attention that one of the third party objectors to this case has alleged that a tree survey schedule was not submitted with the original application. The applicant wishes to submit a copy of this document and requests that consideration of the application should be properly informed by the document in question.

8.4.2. Further Submission by Mr. Brian Arnold

This submission specifically deals with the tree survey submitted by Dr. Philip Blackstock. It notes that the survey in the case of 33 trees are to be removed from site. However, it is argued that this number would be an underestimation of trees to be required to be removed due to construction activity including the provision of a new footpath.

9.0 **Planning Policy Provision**

- 9.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan. The subject site is not governed by any land use zoning objectives. In terms of core strategy, and settlement policy Mulranny is designated as a “Other Town”. It is the policy of the Council to support the sustainable development and growth of various towns including Mulranny through the implementation of housing objectives and other strategies and development guidance. The village of Mulranny is located within a structurally weak area.
- 9.2. Policy PY-01 states it is the policy of the Council to encourage and promote enterprise and employment development at appropriate locations in the county in accordance with the core strategy through the implementation of various objectives which are set out in the Plan.
- 9.3. Policy E-03 states that it is the objective of the Council to encourage enterprise and employment development to locate in brownfield sites or unoccupied buildings in town centres or where appropriate in existing industrial/retail parks or other brownfield industrial sites in preference to undeveloped zoned or unzoned sites.
- 9.4. Policy E-05 states it is the objective of the Council to encourage and facilitate home based employment of an appropriate type, size and scale where it can be demonstrated that the development will not have a significant adverse effects on the environment including the integrity of the Natura 2000 network, residential amenity or visual amenity.
- 9.5. Policy TM-01 states that it is the objective of the Council to support and promote sustainable tourism development, accessibility to all throughout the County and to work in partnership with tourism organisations and adjoining local authorities where

necessary in securing the development of tourism, enterprises and infrastructure in suitable locations where it can be demonstrated that the development will not have a significant adverse effect on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.

9.6. TM-03 states it is the objective of the Council to continue to provide where possible or encourage the provision of walkways, cycleways throughout the county where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network or the visual amenity and to promote the county as a premier walking/cycling destination in the country.

9.7. In relation to architectural heritage the following policies are relevant.

AH-01 – it is an objective of the Council to protect buildings and structures included in the Record of Protected Structures which form part of this plan (Volume 4).

RPS No. 121 is described as the Great Southern Hotel, Mulranny. It comprises of a detached 13 bay two-storey with dormer attic storey rendered former purpose built hotel complex c.1890 prominent location overlooking Clew Bay.

AH-03 states that it is an objective of the Council to ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively designed and sited and is appropriate in terms of the proposed material, scale, density and layout impact on historic features and junction with the protected structure and would not detract from the special interest, character and setting of the protected structure.

9.8. **Village Design Statement**

9.8.1. This design statement has been prepared by Mayo County Council in partnership with the Heritage Council and the local community. It provides a survey of the existing built environment and the issues and tasks facing the village. Section 3 of the Guidelines relates to future development in the village. An important instrument in this section is improving important focal points. One of the proposals is to strengthen the connection and promote the enjoyment of the sea, beaches and causeways around Mulranny. The old pedestrian causeway and pedestrian route to the sea were originally built as part of the Great Western Railway Hotel and are now a public amenity providing a link to the beach and pier. One of the positive impacts

identified in the plan would be improved pedestrian connection from the village centre to the causeway and pier and increased visibility of the entrance to the causeway and improved visibility in the wooded areas. There is a requirement for general repairs and improvements to the railings and lighting etc. It is noted that a footpath connection from the village to the causeway is desirable. This could be done by means of a timber and steel cantilevered walkway located inside the stone wall on the forest side of the road. The walkway could be an attractive feature in its own right. It is noted that such cantilevered walkway structures are visible at Rossbeg in Westport and along the River Liffey in Dublin. The design statement sets out a number of recommended works to be carried out.

10.0 Natural Heritage Designation

The site is located partially within the Clew Bay Complex SAC (Site Code: 001482). It appears from the maps submitted that the northern boundary of the SAC overlaps with the southern boundary of the appeal site. The incursion of the northern boundary of the SAC into the woodland which forms part of the appeal site extends to a depth of between 4.4 and 8.5 metres.

11.0 EIAR Screening

Having regard to the nature of the development comprising of a single dwelling together with the provision of a sculpture trail and café in an area on the environs of a small village 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 by way of preliminary examination.

12.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the planning authority's reasons for refusal and the grounds of the first party appeal challenging the reasons for refusal. I have also had regard to the various observations contained on file. I consider the

critical issues in determining the current application and appeal before the Board are as follows:

- Status of the Pumphouse as a Protected Structure
- Impact on the Setting and Integrity of the Existing Protected Structure
- Compliance with other Development Plan Policies
- Impact on Visual Amenities of the Area
- Compliance with Mulranny Design Statement
- Proposed Sculpture Trail
- The Provisions of Section 37(2)(a)
- Appropriate Assessment Issues

12.1. Status of the Pumphouse as a Protected Structure

12.1.1. The grounds of appeal request that the Board question the status of the pumphouse as being designated as a protected structure in the development plan. The grounds of appeal suggest that the pumphouse may not in fact be a designated protected structure primarily on the basis that RPS 121 in the development plan merely relates to the Mulranny Park Hotel (formerly known as the Great Southern Hotel (RPS Ref. 0121) in Volume 4 of the development plan) and there is no specific reference to the pumphouse in this listing. The grounds of appeal also note that the lands in which the proposed development is located are physically separate and under separate ownership from the lands associated with the hotel to the north of the N59.

12.1.2. In response to this particular question I am guided by the provisions of the Architectural Heritage Protection – Guidelines for Planning Authorities (2004). Chapter 13 of these guidelines specifically address issues regarding curtilage and attendant grounds. The guidelines note that by definition under Section 2 of the Planning and Development Act, a protected structure includes the lands lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. While the curtilage is not defined in legislation, the guidelines suggest that it can be taken to be “the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure”. In accordance with the above definition, I would consider the curtilage of the Mulranny

Park Hotel relates to the lands (including the apartments etc.) which immediately surround the hotel on the northern side of the N59. I would not consider that the curtilage of the structure extends to the southern side of the N59 which is physically separate from the hotel. The guidelines go on to suggest that the “attendant grounds” of the structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and appreciation. In many cases the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building and to assist of its function.

12.1.3. I consider a reasonable case could be made that the subject site forms part of the overall attendant grounds associated with the protected structure (Mulranny Park Hotel) on the basis that the subject site forms part of a designed landscape to complement the design of the building and also to assist in its function. The incorporation of steps and a causeway protruding beyond the shoreline would appear to form part of the overall coherent design associated with the initial layout of the hotel in the late 19th century. Furthermore, the pumphouse structure which is located within the site specifically served a seawater swimming pool which was conceived as part of the original design and therefore the pumphouse formed an intrinsic function to the day-to-day operation of the hotel in years past. On this basis I consider that while the subject site may not lie within the curtilage of the protected structure, (i.e. the lands immediate surrounding the hotel on the northern side of the N59), I nevertheless would conclude that the subject site in question forms part of the overall attendant grounds associated with the protected structure.

12.1.4. Paragraph 13.2.3 of the Architectural Heritage Protection Guidelines for Planning Authorities states that “*a Planning Authority has the power to protect all features of importance which lie within the attendant grounds of a protected structure. However, such features must be specified in the RPS and the owners and occupiers notified in order for the features to be protected*”. The applicant in the grounds of appeal has not indicated whether or not the owner of the lands in question was notified that the pumphouse in question was to be included in the Record of Protected Structures. However, it is apparent that the pumphouse is not specified in the Record of Protected Structures under Ref. No. 0121. Therefore, in applying the criteria set out under Paragraph 13.2.3 of the Architectural Heritage Protection Guidelines it would

appear that, if the Board agree with the above reasoning that the pumphouse is located outside the curtilage of the protected structure but within the attendant grounds of the protected structure, it would necessarily follow that the pumphouse in question does not form part of the Record of Protected Structures as set out in Volume 4 of the Development Plan. On this basis I would consider it reasonable that the Board could conclude that the pumphouse to which the planning application relates is not included in the Record of Protected Structures.

12.2. Impact on the Setting and Integrity of the Existing Protected Structures

- 12.2.1. The single reason for refusal cited by the Planning Authority stated that the scale and nature of the overall development would have negative impact on the historic setting of the hotel and would adversely affect the character, heritage and value and setting of the protected structure and thus would materially contravene the objectives of the development plan. Having inspected the subject site both from the N59 and the causeway I would fundamentally disagree with such a conclusion. I consider that the proposed refurbishment and reuse of the 19th century pumphouse (be it a protected structure or not) is sensitively and sympathetically proposed to be restored and results in the reuse and revitalisation of an otherwise derelict and vacant structure. Furthermore, information submitted with the original application indicates that the pumphouse building is becoming progressively more dilapidated and its refurbishment and reuse would result in the sensitive restoration of this important example of late 19th century industrial architectural heritage.
- 12.2.2. The refurbishment and the reuse of the pumphouse should be viewed as a material planning gain. Similar arguments would also apply in respect of the refurbishment and restoration of the historic pathway which centrally traverses the site from the N59 down to the causeway. The applicant has also agreed by way of revised site layout submitted in response to the request for additional information, to omit the Arts Centre building. With the omission of the Arts Centre building the structures in question will be almost entirely concealed by existing screening and vegetation when viewed both from the causeway and from the curtilage of the hotel on the northern side of the N59. To suggest that the refurbishment and reuse of the existing pumphouse which is contemporaneous with the construction of the hotel and to bring this building back into use would in some way detract and adversely impact upon the setting of the hotel is in my view without foundation. The buildings in question will be

well concealed by the extensive and expansive mature vegetation situated on the site. The removal of some trees to accommodate the works to be undertaken would not in my view expose the buildings proposed to any appreciable extent. Likewise views from the N59 southwards across the site will not be materially altered as a result of the proposed development. While the upper portion of the proposed dwellinghouse will be visible from the roadway, the top floor of this building is modest in size and unobtrusive. I can only conclude therefore that the proposed development will not in any substantial or material way impact on the setting and integrity of the existing hotel. The Board will note from the photographs attached to this report that the hotel is not visible from the most southerly limits of the causeway. The top of the hotel is only barely visible from vantage points beyond the bridge over the lagoon along the causeway (see photograph 13).

- 12.2.3. Arising from the above assessment it is my view that the pumphouse which is the subject of the application may not in fact constitute a protected structure on the basis that the structure itself is not specifically referred to under entry 121 in the list of protected structures. Furthermore, having regard to the extensive vegetation on the site the vast majority of which is to be retained as part of the application, it is considered that the modest nature of the intervention proposed under the current application will in no way detract from the setting or integrity of the existing hotel which is a protected structure. On this basis I would not concur with the Planning Authority that the proposed development is contrary to Policies AH-01 or AH-02.

12.3. Compliance with other Development Plan Policies

- 12.3.1. In the interests of providing a more robust assessment of the proposed development it is proposed to briefly comment on whether or not the proposed development complies with other policies and provisions contained in the development plan. It is noted that the Planning Authority in determining the application did not refer to the proposal contravening any policies contained in the development plan in relation to housing or other such issues. With regard to the provision of a house on the subject site I note that there are no land use zoning provisions relating to the village of Mulranny contained in the development plan. On this basis it is considered that the proposal should be assessed on its merits and in accordance with the proper planning and sustainable development of the area. The proposed dwellinghouse is located on the periphery of the existing built-up area on the western environs of the

village. The subject site is located within the 50 kilometre speed limit and is in my view located within the development envelope of the village. I note that the development associated with the village extends beyond the western boundary of the site. Buildings located further west of the site include a primary school and a church. I consider therefore that it is reasonable to conclude that the subject site is located within the confines of the village. Furthermore, the village of Mulranny is located in a structurally weak area. UH-04 states that it is an objective of the Council to encourage in-depth residential development in smaller settlements of the settlement hierarchy of appropriate scale, design and density. While Policy UH-03 states it is the objective of the Council to encourage development of sustainable residential communities through the promotion of innovation, high quality building design and appropriate layouts that prioritise walking, cycling and public transport options to provide for a high level of permeability, accessibility and connectivity to the existing built environment, services and facilities. On the basis of the above I consider the proposed housing development to be in accordance with the development plan policy and I further consider that the overall layout and design of the building to be acceptable at this location.

12.4. Impact on Visual Amenities of the Area

- 12.4.1. As referred to previously in my assessment, I consider that the overall size and scale of the proposed development is relatively modest in the context of the overall site. I consider that the buildings proposed including the refurbishment of the pumphouse will be adequately screened from public vantage points both from the N59 and from the public causeway. As such I do not consider that the proposed development would in any way adversely affect the visual amenities of the area.

12.5. Compliance with Mulranny Design Statement

- 12.5.1. One of the observations submitted argues that the proposed development is in contravention of many of the objectives contained in the Mulranny Design Statement. In principle it is argued that the proposed development does not align with many of the positive design statement aims and recommendations. Contrary to this assertion, I would consider that the proposed development complements and supports many of the aspirations contained in the design statement not least of which is the fact that the Design Statement seeks to strengthen connections and promote access to the

causeway, sea and beaches around Mulranny. The recommended works contained in the design statement seeks to:

- Improve pedestrian connections from the village centre to the causeway and pier.
- Improve the visibility at the entrance to the causeway.
- To improve the visibility in the wooded areas by substantially cutting back trees at the entrance.
- And providing repairs and improvements to steps, railings and lighting etc.

12.5.2. Therefore, contrary to what is suggested in the observation, submitted it is considered that the proposed development will provide for public realm enhancement works which fully support and adhere to the recommended works set out in the design statement specifically as they relate to the causeway and access to the sea.

12.6. Proposed Sculpture Trail

12.6.1. It is considered that the proposed sculpture trail will support and build upon the tourism services and infrastructure available in the village of Mulranny. The proposed sculpture trail and walkway is sensitively designed as an elevated walkway within the woodland canopy and vegetation. The incorporation of a railed walkway traversing the wooded area will assist in opening up the area generally to provide an important amenity and expand the tourism product, including facilitating the mobility impaired, within the village of Mulranny. The proposed café and sculpture trail will comply with many of the policies set out in the development plan which seek to encourage and facilitate economic development including tourism. Specifically, the proposed development will fully accord with Policy TM-01 which seeks to support and promote sustainable tourism development throughout the county in securing the development of tourist enterprises and infrastructure in suitable locations. The principle of a new café and sculpture trail/walkway as part of the proposed development is acceptable.

12.7. Conclusion and Recommendation

12.7.1. Arising from my assessment above therefore I consider the proposed development to be appropriate on the basis that it will enhance and support enterprise and tourism within the village, will restore a building of industrial architectural heritage and will

enhance access to and from the causeway in accordance with the Mulranny Village Design Statement. Furthermore, the proposed development in my view will not detract or diminish the setting and integrity of the Mulranny Park Hotel which is a protected structure and will not adversely impact on the visual amenities of the area when viewing the site from either the N59 or from the causeway in question. I therefore recommend that the Board overturn the decision of the Planning Authority and grant planning permission for the proposed development.

12.8. The Provisions of Section 37(2)(a)

12.8.1. I note that the decision of the Planning Authority states that the proposed development would “materially contravene” the objectives set out in the Mayo County Development Plan. I refer the Board to the provisions of Section 37(2)(b) where it is noted that in the case of a Planning Authority deciding to refuse planning permission on the grounds that the proposed development materially contravenes the development plan, the Board may only grant planning permission where it considers that:

- *The proposed development is of strategic or national importance.* I do not consider that the proposed development meets or fulfils this criteria.
- *That there are conflicting objectives in the development plan or the objectives are not clearly stated insofar as the proposed development is concerned.* I have argued above that the policies and objectives set out under AH-01 or AH-03 would not apply in this instance. Furthermore, I consider that the proposed development would be fully in accordance with Policy TM-01 which states that it is the objective of the Council to support and promote sustainable tourism development in securing the development of tourism enterprises and infrastructure in suitable locations where it can be demonstrated that the proposed development will not have significant adverse impacts on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity. Issues in relation to appropriate assessment are dealt with in a separate heading below. However, I do consider that the proposed development would fully accord with the above policy objective and in this regard, I consider it reasonable that the Board could reach a conclusion that there are conflicting objectives in the

development plan in respect of the proposed development and under this criteria the provisions of Section 37(2)(b) would apply.

12.8.2. I do not consider that sub-sections (iii) or (iv) under the provision of Section 37(2)(b) would be applicable in this instance.

12.8.3. The Board however in my opinion should it consider it appropriate to grant planning permission for the proposed development, It is my considered opinion that it could rely on the provisions of Section 37(2)(b)(ii) to support its decision.

12.9. Appropriate Assessment Issues

12.9.1. Stage 1 Screening

The southern boundary of the subject site overlaps with the northern boundary of the Clew Bay SAC (Site Code: 001482). The site is also c.230 metres south of the Owenduff/Nephin Complex SAC (Site Code: 000534). The Corran Plateau SAC (Site Code: 000485) is located at its closest point c.270 metres to the western boundary of the site. However, this SAC is in no way connected with the site in question.

Having regard to the nature of the development and its proximity to Natura 2000 sites potential risk for these SACs both during the construction and operation phase cannot be ruled out in the absence of mitigation measures. It is therefore appropriate that a Stage 2 Appropriate Assessment be undertaken.

I note that the same conclusion was reached by the applicant in respect of the proposed development and a Natura Impact Statement was submitted as part of the application. The contents and conclusions of the NIS have been read and noted. However, for the purpose of completeness, an independent Appropriate Assessment of potential effects on the SAC is carried out below.

12.9.2. Stage 2 Appropriate Assessment

The most likely Natura 2000 sites which could potentially be affected by the proposed development is the Clew Bay SAC (Site Code: 001482). The northern boundary of this SAC protrudes to a depth of between c. 5 and 8 metres along the southern boundary of the site. The qualifying interests associated with the SAC are as follows:

Mudflats and sandflats not covered by seawater at low tide [1140]

Coastal lagoons [1150]

Large shallow inlets and bays [1160]
Annual vegetation of drift lines [1210]
Perennial vegetation of stony banks [1220]
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]
Embryonic shifting dunes [2110]
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]
Machairs (in Ireland)* [21A0]
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Vertigo geyeri (Geyer's Whorl Snail) [1013]
Lutra lutra (Otter) [1355]
Phoca vitulina (Harbour Seal) [1365]

The Owenduff/Nepin Beg Complex SAC (Site Code: 00053) is located on more elevated ground to the north of the site. The qualifying interests associated with this Natura 2000 site are as follows:

Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]
Natural dystrophic lakes and ponds [3160]
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]
Northern Atlantic wet heaths with Erica tetralix [4010]
Alpine and Boreal heaths [4060]
Juniperus communis formations on heaths or calcareous grasslands [5130]
Blanket bogs (if active bog)* [7130]
Transition mires and quaking bogs [7140]
Salmo salar (Salmon) [1106]
Lutra lutra (Otter) [1355]
Saxifraga hirculus (Marsh Saxifrage) [1528]
Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]

None of the habitats for which the qualifying interests associated with the SAC are listed as being situated within proximity to the subject site. Although it should be noted that the conservation objective series report for the Owenduff/Nephin Beg Complex SAC produced by the NPWS has yet to undertake detailed mapping for all the habitats associated with the Natura 2000 sites. It is possible that some of the habitats including the *Northern Atlantic Wet Heaths [4010]*, *Alpine and boreal heaths [4060]*, *Juniperus communis formation on heath or calcareous grassland [5130]*, *blanket bogs [7130]*, and *transition mires and quaking bogs [7140]* maybe located on the lower slopes of Claggan Mountain which is located within the SAC. However, having regard to the separation distance between the subject site and the boundary of the SAC it can in my opinion be concluded beyond all reasonable scientific doubt that the modest nature of the proposed development will not impact on any habitats that form part of the qualifying interests associated with the Owenduff/Nephin SAC.

Furthermore, as there is no hydrological connection between the subject site and the SAC as the subject site is located downstream from the SAC it is reasonable to conclude that any development on the subject site has little or no potential to impact on species that form part of the qualifying interests associated with the Owenduff/Nephin Complex SAC namely *salmon [1160]* and *otter [1355]*. While the otter may use riparian and coastal areas outside the confines of the SAC for foraging and commuting, any potential impact on the otter can be assessed below with regard to potential impacts on the Clew Bay SAC as the otter also constitutes qualifying interests associated with the Clew Bay SAC. For the purposes of AA therefore the Board can in my view essentially restrict its deliberations to the potential impacts which potentially occur on the Clew Bay Complex SAC.

12.9.3. Potential Impacts

The proposed development could potentially impact on contiguous and adjacent habitats along the southern boundary of the site within Clew Bay and Trawoughter Strand to the south of the subject site. The impacts could occur through direct habitat loss or could be affected by pollution from suspended sediment loads, oils, grit, hydrocarbons or other potential contaminants during the construction and possibly during the operational phase. Habitats within the immediate vicinity of the site which could be impacted upon are identified below.

Mudflats and sandflats not covered by sea water at low tide [1140]. This habitat constitutes the coastal area to the immediate south of the site this habitat has the potential to be affected by excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction or operational phase.

Large shallow inlets and bays [1160] these habitats are also located to the immediate south of the site. As in the case of mudflats and sandflats these habitats have the potential to be affected by excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction or operational phase.

Annual vegetation of draft lines [1210]. The location of this qualifying interest is difficult to measure within the confines of the SAC due to its dynamic nature. It can appear or disappear along shorelines, from year to year. According to the NIS submitted with the application such habitats have been mapped within 1 kilometre to the south-west of the proposed development. As in the case of the above these habitats have the potential to be affected by excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction and to a lesser extent the operational phase.

Atlantic salt meadows [1330]. This habitat is located within and downstream of the proposed development and could likewise be affected by excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction and to a lesser extent the operational phase.

Embryonic shifting dunes [Site Code: 2110]. The NPWS Conservation Objective Report indicates that these features are located at their closest point c.500 metres to the south-east of the subject site. As in the case of the other habitats listed above, this habitat has the potential to be affected by excessive discharges of suspended solids/oils/chemicals or hydrocarbons generated during the construction or operational phase.

Shifting sand dunes [2120]. The same report indicates that shifting sand dunes are located c.1 kilometre to the south-east of the site. As in the case of other habitats shifting sand dunes have the potential to be adversely affected through excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction and to a lesser extent operational phases.

Machairs [21A0]. These priority habitats are located within 500 metres to the south and east of the site. Such habitats have the potential to be adversely affected through an excessive discharge of suspended solids, oils/chemicals or hydrocarbons generated during the construction and to a lesser extent operational phases.

In terms of species, two species have been identified whose habitats lie in close proximity to the site and therefore could be potentially affected.

The Otter [1355]. The coastal area along the southern boundary of the site has the potential to host and act as a commuting area for otters. In addition to the potential adverse impact which could arise from surface water pollutions through spillage etc., noise/disturbance and light pollution could also affect this species.

In respect of the *Harbour Seal [1365]* the nearest moulting site to the appeal site is over 6 kilometres away. Breeding sites are located closer c.3 kilometres to the south-east within Clew Bay and there is some (albeit marginal) potential that breeding sites could be affected by pollution and to a much lesser extent through noise and disturbance resulting from the proposed development.

In order to minimise the potential impacts on the qualifying interests identified above the NIS sets out a series of mitigation measures. These include mitigation measures to ensure the control of invasive species. These measures are also contained in the Invasive Species Management Plan submitted as part of the additional information.

The following mitigation measures will be put in place to ensure the protection of the qualifying interests associated with the SAC.

- Areas of invasive species will be clearly demarcated, and all contractors and staff will be briefed about the presence/identification and significance of invasive species before the commencement of works.
- All earthworks machinery will be thoroughly pressure-washed prior to the arrival on site and prior to the further use off-site.
- Care will be taken not to disturb or cause the movement of fragments of invasive species either intentionally or accidentally.
- Where appropriate, disposal of material will be to a licenced landfill or incinerated.

- In the case where invasive species clearly become established, stands will be clearly demarcated and temporarily fenced and such areas will be strictly avoided before being eradicated.
- Artificial lighting will be controlled during periods of darkness. Works within 30 metres of Clew Bay will be restricted to daylight working hours only and all lighting will be cowed away from the shoreline to avoid any unnecessary light spill in order to protect species of conservation interest.
- A number of noise mitigation measures will be employed including restricting noise generating activities within 30 metres of the shoreline.
- Construction plant with low inherent potential for generation of noise and vibration will be used where practicable. This will include the use of mufflers and silencers where appropriate. Construction plant machinery will be sited as far away from ecological sensitive receptors where practicable.
- All noise producing equipment will comply with regulatory requirements.
- Various pollution control measures will also be implemented and this will include the following:
 - Works will not be carried out during periods of relatively high rainfall.
 - The site compound will be located on existing hardstanding outside the boundary of designated sites.
 - High performance silt fences will be incorporated within 10 metres of any watercourse.
 - Use of a triple layer high performance silt fence in conjunction with sand-bags will be implemented for any earthworks carried out within 50 metres of the boundary of Clew Bay SAC.
 - The use of geotextile or timber mats to minimise the erosion of soil during tracking of machinery over vegetated ground.
 - Fuel handling and bunding procedures during the works in unsurfaced areas of the site and in areas near watercourses.
 - The establishment of contingency measures to cater for impacts through unknown services underlying the construction site.

- The following will also be incorporated in working areas close to watercourses.
 - Best practices will be incorporated into construction methods to minimise discharges of sediment/suspended solids to waters.
 - All concrete works will take place in dry areas and will be located at a minimum of 30 metres away from any watercourse.
 - No leachate from concrete will be allowed enter surface or groundwaters.
 - There will no direct discharges made to waters from any construction practice.
 - Where discharges are required, water will be passed through a treatment system such as silt traps or settlement ponds prior to being discharged.
 - Any discharged water will be in the PH range of 6 to 9.
 - Oil interceptor facilities will be installed and maintained where site works involve discharges of drainage water.
 - A suitably experienced ecologist will be engaged to supervise the direct construction of the proposed development.
- During the operational phase it is correctly anticipated in my opinion that the proposed development has a lesser potential to impact on the qualifying interests associated with the SAC. The proposed design will treat surface water from areas of hardstandings and roofs. It is proposed that surface water from each building will be collected in a surface water sump to attenuate sediment from run-off and discharged into Clew Bay through an outfall diffuser.
- Foul water management will be collected via a traditional gravity pipe network and pumped into the main sewer collection pipe along the N59. There will be no direct untreated discharges to surface waters during the operational phase.
- A number of mitigation measures will also be included for the purposes of addressing potential adverse impacts from artificial lighting. Low level led

lighting will be incorporated into areas adjacent to the shoreline. Light would be cowed to ensure that there is an appropriate reduction in light spill. Lighting will be turned off when not in use. Security lighting will be set on motion sensors and short timers.

- Having regard to the nature and extent of the proposed development it is not anticipated that the proposed development will generate excessive noise during the operational stage to the extent that it could impact on species associated with the Clew Bay SAC.

12.10. In conclusion therefore the proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

12.11. Having carried out screening for appropriate assessment of the proposed development, it was appropriately concluded that likely significant effects on the Clew Bay SAC cannot be ruled out. Consequently, an appropriate assessment was required of the implications of the projects on the qualifying interests of that SAC in light of its conservation objectives. Following an undertaking of an appropriate assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site in question (Site Code: 001482) or any other European site in view of the site's conservation objectives.

12.12. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects having regard to the modest nature of the proposed development and the mitigation measures to be employed in order to ensure that the integrity of the Natura 2000 site is in no way compromised.

13.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the nature of the proposed development and its location within Mulranny Village, it is considered that the proposed development fully accords with the Economic Development Strategy set out in the Mayo County Development Plan including Objective TM-01 where it the objective of the Council to support and promote sustainable tourism development where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 site, residential, historic or visual amenities of the area. It is considered that the proposed development subject to conditions set out below, would not adversely affect the integrity or setting of any protected structures in the vicinity of the site, would result in the refurbishment and reuse of the former pumphouse which is considered to be a building of architectural heritage value, would not seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development therefore is in accordance with the proper planning and sustainable development of the area.

15.0 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 plans and particulars received by the planning authority on 23rd day of November, 2020 and the 18th day of March, 2021, 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 the 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. The proposed Art Centre building as indicated on the drawings submitted with the original application on the 23rd day of December, 2019 shall be omitted from the proposed development.

Reason: In the interest of clarity and the visual amenities of the area.

3. The external finishes of the proposed dwellinghouse and café including details of all colours, materials and textures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. A detailed method statement for the refurbishment and reuse of the former pumphouse retaining as many of the features as possible shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to protect the character of the structure.

5. Water supply and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public health.

6. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

7. Details of the proposed footpath along the northern boundary of the site between the existing footpath and the steps leading to the causeway shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest pedestrian and traffic safety.

8. Details of the proposed loading bay to be provided adjacent to the N59 shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

9. Details of all trees and vegetation to be removed from the site as per the

details contained in the arboricultural impact statement submitted to the planning authority on the 23rd day of December, 2019 and as per the observation submitted to An Bord Pleanála by Mr. Philip Blackstock Arboricultural Consultant on the 3rd day of June, 2021 shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

10. All trees within and on the boundaries of the site shall be retained and maintained with the exception of the following:
 - (a) Specific trees the removal of which is authorised in writing by the planning authority to facilitate the development and the proposed sculpture trail.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens. Retained trees shall be protected from damage during construction works.

Within a period of six months following the substantial completion of the proposed development any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

11. A method statement outlining details of the proposed construction methodology to be employed in constructing the sculpture trail walkway shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

12. Details of all materials including handrails, fencing and lighting associated with the proposed sculpture trail walkway shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development

13. Details of the proposed operating hours of the café shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

14. Details of all public lighting to be provided in accordance with the scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the operation of the café. All lighting within the 30m of the shoreline shall be appropriately cowled to inhibit light-spill away from the shoreline area.

Reason: In the interest of amenity and public safety.

15. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of all broadband infrastructure within the proposed development.

Reason: In the interest of orderly development

16. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat pollution shall be carried out only under licence from the National Parks and Wildlife Services and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

17. All mitigation measures set out in Section 9 of the Natura Impact Statement submitted with the application shall be implemented in full both during the construction and operational phases. Details of these mitigation measures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the preservation and protection of Natura 2000 sites in the vicinity of the subject site.

18. Details of the planned remediation works set out in the Invasive Weed Management Plan submitted to the planning authority on the 23rd day of November, 2020 shall be implemented in full in carrying out the proposed development.

Reason: To address the issue of invasive alien plant species on site.

19. 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.

Paul Caprani,
Senior Planning Inspector.

29th September, 2021.