

# Inspector's Report ABP-310872-21

**Development** Construction of a house with puraflow

wastewater treatment system

**Location** Friarstown, Cloghans, Ballina, Co

Mayo

Planning Authority Mayo County Council

Planning Authority Reg. Ref. 21415

Applicant(s) Joseph Carrabine

Type of Application Planning Permission

Planning Authority Decision Refused Permission

Type of Appeal First Party Appeal

Appellant(s) Joseph Carrabine

Observer(s) None

**Date of Site Inspection** 10<sup>th</sup> September 2021

**Inspector** Susan Clarke

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# 1.0 Site Location and Description

- 1.1. The site is located at Friarstown, Cloghans, Ballina, Co. Mayo and has a stated area of 0.2145ha. The site fronts onto a local road in the townland of Friarstown, that runs parallel to Lough Conn in a north/south direction. Lough Conn is located approximately 350m west of the site. Cloghans national school is located less than 200m north of the subject site.
- 1.2. The rectangular shaped site has a flat topography and appears to be currently unused. The site has been subject to clearance works with disturbed soil and stone materials throughout and the removal of the hedgerow or boundary along the road frontage. There are two single story detached houses to the north and south of the site.

# 2.0 **Proposed Development**

- 2.1. The proposed development consists of the:
  - Construction of a new single storey dwelling (138 sq m),
  - Provision of a new wastewater treatment system, and
  - Associated site works to facilitate the development.

# 3.0 Planning Authority Decision

#### 3.1. Decision

A Notification of Decision to Refuse Permission was issued on 21<sup>st</sup> June 2021 subject to four reasons. The four reasons for refusal can be summarised as follows:

- 1. The Applicant has not established a permanent housing need at this location in accordance with the rural housing policy in the Mayo County Development Plan 2014-2020.
- 2. The proposed development would interfere with the scenic views of this location.
- 3. The proposed development does not comply with the minimum site size as per Section 6.2 of Mayo County Development Plan 2014-2020.

4. Insufficient evidence was submitted with the application to determine whether the

development would have a significant adverse effect on the environment.

3.2. **Planning Authority Reports** 

Planning Report (14<sup>th</sup> June 2021) 3.2.1.

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

Planning Officer noted that the Applicant appears to be the owner of the dwelling

directly south of the site and no details demonstrating housing need were submitted

with the application. The Planning Officer highlights that the area is densely populated

with one-off houses and that the site has been subject to refusal under P01/2658. In

relation to design, the Planning Officer considered that the proposed dwelling could

be accommodated on the site given its infill nature.

3.2.2. Other Technical Reports

Environment, Climate Change and Agricultural Section (25th May 2021):

Recommends further information be requested in relation to (1) the number of

bedrooms proposed, (2) the preparation of a screening document under the Habitats

Directive 92/43/EEC by a qualified ecologist, and (3), preparation of a longitudinal

section drawing of the proposed foul water drainage system.

BMD Roads (25<sup>th</sup> June 2021): Recommend further information requested in relation

to seven matters including inter alia front boundary, drainage conditions, on-site

material, and the relocation of lights and utility infrastructure.

3.3. **Prescribed Bodies** 

Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media (10th June

2021): Request that the Appropriate Assessment as outlined in Article 6(3) of the EU

Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural

Habitats and of Wild Fauna and Flora) be considered as part of the planning consent

process.

Irish Water: No comments on file.

#### 3.4. Third Party Observations

No observations were submitted to the Local Authority in respect of the planning application.

# 4.0 **Planning History**

**Reg. Ref. 98/1734:** Planning permission was granted for a house subject to 18 No. conditions on 21<sup>st</sup> September 1999.

**Reg. Ref. 01/2658:** Permission was refused for the retention and completion of two houses and septic tanks with wastewater treatment systems on 17<sup>th</sup> April 2022 for two reasons relating to the contravention of conditions attached to Reg Ref. 98/1734 and failure to comply with the Development Plan's policy with respect to minimum site area and width.

**Reg. Ref. 04/3345**: Permission granted for (1) retain and complete dwelling house under construction (2) construct septic tank with proprietary effluent treatment system and percolation area and (3) carry out ancillary site works, on 24<sup>th</sup> February 2005 subject to 18 No. conditions.

# 5.0 Policy Context

#### 5.1. National Planning Framework (NPF)

In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

National Objective 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

 In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or

- social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## 5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to large cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

Development plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

## 5.3. Mayo County Development Plan 2014-2020

The 2014-2020 County Development Plan remains in place until such time as the draft 2021-2027 plan is adopted.

#### 5.4. Rural Housing

The subject site is located in a "Rural Area Under Strong Urban Influence" with reference to Map 3 (Rural Area Types) of the Development Plan. Section 2.3.1 of the Development Plan outlines that in such areas, applicants shall satisfy the planning

authority that their proposal constitutes a genuine rural-generated housing need and must demonstrate compliance with one of the following categories:

- Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives living (at least 5 years) in the rural area in which they propose to build a home,
- Persons working full-time or part-time in the rural area in which they propose to build their first house; and,
- Persons who have exceptional health circumstances that require them to live in a particular environment or close to family support.

Where permission has been granted for a rural housing proposal based on an applicant's links to an area, an occupancy condition (5 years) shall normally be imposed under Section 47 of the Planning and Development Act 2000.

#### 5.5. Housing Policies and Objectives

Key policies and objectives from the Development Plan include inter alia:

P-01: It is the policy of the Council to ensure the sustainable development of the Linked Hub and Key Towns in the County and to manage development outside these towns in a way that ensures the viability of rural communities while ensuring environmental protection through the implementation of the objectives and Development Guidance document of the development plan.

HG-02: It is an objective of the Council to maximise the use of the existing housing stock throughout the County by exploring the viability of utilising existing vacant housing stock as an alternative to new build.

HG04: It is an objective of the Council to minimise ribbon development, with the exception of infill development, due to adverse impacts arising from this pattern of development relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

RH-01: It is an objective of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), Map1 Core Strategy Conceptual Map and the Development Guidance document of the development plan.

RH-02: It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from these guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the area.

Section 20.2.2 of Volume 2 to the Development Plan states that in unserviced rural areas, where a proposed house cannot connect to the public sewer, a site suitability assessment will be required. The assessment must be carried out in accordance with the Environmental Protection Agency (EPA) Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (population equivalent ≤10) (2009), taking into account the cumulative effects of existing and proposed developments in the area.

#### 5.6. Landscape Appraisal

5.6.1. The Landscape Appraisal of County Mayo confirms the subject site is located in Landscape Area G (North Mayo Drumlins) which contains mild low lying lakeland drumlins at the southern end merging into similar coastal topography in the north east surrounding Killala Bay. More severe, steeper drumlins occur around the foothills of the mountains to the north-west and the Ox Mountains to the east. The flood plain of the River Moy is also incorporated within this area. The land cover is dominated by pasture with sporadic areas of moorland and patches of exposed rock in the rugged drumlins to the east. Hedgerows and small patches of scrub and woodland create a patchwork of farmer landscapes in this area.

The local road that the site is located, east of Lough Conn, from Garrycloonagh to Brackwanshagh, is a designated scenic route in the Development Plan.

Section 3.6(b) (Policy with Regard to Scenic Routes) of the Landscape Appraisal outlines that scenic routes indicate public roads from which views and prospects of areas of natural beauty and interest can be enjoyed. Sightseeing visitors are more likely to be concentrated along these routes.

The onus should be on the applicant when applying for permission to develop in the environs of a scenic route, to demonstrate that there will be no obstruction or

degradation of the views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas.

#### 5.6.2. Roads and Access Policy

Access visibility standards for roads with a speed-limit restriction of 80km/h are not listed in the Plan. However, Table 9 (Access Visibility Requirements) outlines that a minimum visibility splay of 120m is required from a position setback 3m from the back edge of the road, where a 70km/h design speed applies. Section 38.3.4 of Volume 2 states that site visibility requirements shall be provided within the development boundary of the site.

Section 2.1 (Road Setback & Site Entrance) from the Mayo Rural Housing Design Guidelines 2008 provides further commentary in relation to road setbacks and site entrances.

#### 5.7. Natural Heritage Designations

The site is within 80m of a terrestrial section of the River Moy SAC (site code 002298) and Lough Conn and Lough Cullin Proposed NHA (site code 000519). Lough Conn and Lough Cullin SPA (site code 004228) is located approximately 280m from the subject site.

#### 5.8. **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising the construction of one residential dwelling and the provision of a new treatment unit and percolation area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

# 6.0 The Appeal

#### 6.1. Grounds of Appeal

A First-Party Appeal has been lodged by the Applicant.

The appeal submission includes an alternative scheme for the consideration of the Board (see Dwg. No. JC01220821MG – Proposed Revised Site Layout Plan for An Bord Pleanála). In summary, the site area has been increased to 3,000 sq m and the site's road width has been increased to 40 sq m.

The grounds of appeal can be summarised as follows:

- Mayo County Council's reasons for refusal are unfounded as a request for any further information was never realised. The Appellant was not given an opportunity to defend the case via the normal planning procedures.
- The dwelling will improve the aesthetic of the area in terms of replacing the unsightly overgrown vacant site with a modest dwelling house and manicured lawn.
- The land has been owned by the family for over 40 years.
- There is a serious housing shortage issue in Mayo and the Appellant wishes to apply for planning for a new dwelling house for his son at this location who has a permanent housing need.
- The Appellant's son is residing in social housing and has a clear established case for a permanent housing need.
- The site is derelict and haphazard at present and if left vacant will bring down the character of the otherwise well-kept community.
- As this is not a scenic route there is nothing to suggest that a modest single storey
  dwelling with a traditional finish at this location would detract from the character of
  the landscape at his location.
- The Appellant has increased the size of the site following the Refusal so that it
  now complies with Section 6.2 of the Development Plan. The site's road-front
  width has been increased to 40m and the overall site measures 3,000 sq m.
- Planning permission is urgently required for the Appellant's son who has an essential permanent housing need at this location for personal and medical reasons.
- There is no evidence to suggest that the development would have a significant adverse effect on the NHA, SAC or SPA.

- The application does not require an Environmental Impact Assessment.
- Other developments have been granted permission in the area and were not considered to have a significant adverse effect on the environment.
- The wastewater treatment system proposed is that of a high specification with a secondary filter unit which filters water to a potable level therefore ensuring no adverse effect will be realised on the environment.
- The house will have a very small number of inhabitants.

## 6.2. Planning Authority Response

None received.

#### 6.3. **Observations**

None.

#### 7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including the First-Party Appeal, inspection of the site, and having regard to relevant local/regional/policies and guidance, I consider that the main issues on this appeal are as follows:
  - Rural Housing Policy,
  - Visual Impact,
  - Site Size and Width,
  - Wastewater Treatment, and
  - Appropriate Assessment.

Each of these issues is addressed in turn below.

## 7.2. Rural Housing Need

The subject site is located on unzoned land, in an area designated as being a "Rural Area Under Strong Urban Influence". In such areas, prospective applicants must

demonstrate that they have a genuine rural housing need based on their personal circumstances, or links to, a particular area as set out in Section 2.3.1 of the Development Plan. In refusing planning permission in this instance, Mayo County Council considered that the applicant had not established a permanent housing need at this location.

It would appear from the First-Party Appeal that the Applicant, Joseph Carrabine, is seeking planning permission for a house for his son. In responding to this refusal reason, the First Party Appeal states that the Applicant has an essential permanent housing need at this location for personal and medical reasons. Furthermore, the Appeal highlights that the site is located on family owned land. However, no documentary evidence has been submitted with the planning application or First Party Appeal to support the statements made in the Appeal or to demonstrate the Applicant's/Applicant's son's housing need or links to the area. I consider that the overall policy requirement set out in Section 2.3.1 of the Development Plan is clear and unambiguous and in line with national and regional guidance including the National Planning Framework and NPO19. There is a strategic focus on providing housing in existing towns and villages and in preventing the scattering of urban generated housing across the countryside which is under pressures, with consequent impacts on the landscape and the provision of roads and other services. The application of the housing need criteria therefore has to be applied in a manner having regard to the presumption against such one-off rural developments. I am not satisfied that the Applicant has demonstrated a genuine rural housing need to live in this location which is under strong urban influence given its proximity to Ballina and I recommend that planning permission should be refused on this basis.

#### 7.3. Visual Impact

The second reason for refusal relates to non-compliance with Section 2.3.4 of the Development Plan whereby it was considered by the Local Authority that the proposal would interfere with the scenic views at this location. The First Party Appeal states that the proposed dwelling has a modest design with a traditional finish and that the Local Authority's GIS Notification Internal report states that the site has been referred to as "Not within a Scenic View or Viewing Point Zone". As outlined above, the site is located on a local road designated within the Landscape Appraisal to be a scenic

route. Lough Conn is located west of the site, though there are no views of the lake from the site or immediate area. However, there are views of Nephin Mountain located west of Lough Conn from the site. Mature hedgerows located north of the site limit views of the mountain from the local road. There are however clearer views available further south of the site. Having regard to the infill nature of the site, the proposed small, single storey design for the dwelling, and subject to a landscaping plan being agreed with the Local Authority, I do not consider that the proposed development would adversely impact the views at this location. As such, I do not recommend that planning permission is refused on the grounds of the proposed development negatively impacting the scenic route.

#### 7.4. Site Size and Width

The third reason for refusal relates to the proposed development's non-compliance with Table 2 Minimum Site Size in Rural Areas, whereby the site shall measure 3,000 sq m and have a 40m road frontage width. As outlined above, the First Party Appeal includes a proposal to amend the development by increasing the site area to 3,000 sq m and the site's road width to 40 sq m (see Dwg. No. JC01220821MG – Proposed Revised Site Layout Plan for An Bord Pleanála). As such, the amended proposal is consistent with the Development Plan's policy in respect to site size and width for rural houses. Therefore, I do not recommend that planning permission is refused on this basis.

## 7.5. Wastewater Treatment

The Site Characterisation Form submitted with the planning application notes that the site is located in an area with a regionally important aquifer. The GSI vulnerability mapping shows the site located on an interface area with a classification of either Extreme or High. A groundwater protection response of R3¹ (Source Outer Protection Area) or R2² (Extreme Vulnerability) applies to the site. The Form notes that the requirement for wastewater treatments are broadly similar for both protection responses. The bedrock type is noted as Dinantian Pure Bedded Limestone, while the soil type is recorded as surface water Gleys/groundwater Gleys. Lough Conn is listed as being the closest public/Group Scheme Water Supply. The Local Authority's Environment Section highlights that the lake is an important drinking water abstraction

source for the Ballina Regional Water Supply Scheme. The location for the proposed treatment system is approximately 350m as-the-crow-flies from the lake.

I note that the Form states that the trial hole only measured a depth of 1.4m, notwithstanding the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses, 2009¹ requiring trial holes to be a minimum depth of 3m for regionally important aquifers. Bedrock was encountered at a depth of 1.4m and the water table is not recorder as being encountered in the trial hole. Beneath the topsoil (which has a depth of 0.3m) sandy silty/clay was recorded for 0.9m, with sandy silty/clay interspersed with loose limestone cobbles recorded at 1.4m. The predicted groundwater flow is in the direction of Lough Conn.

There is a high concentration of dwellings with on-site domestic wastewater treatment systems located in the area and in close proximity to the lake. I note from review of the planning documentation relating to Reg. Ref. 04/3345 that the North Western Regional Fisheries Board expressed concern regarding the density of unserviced development in the Friarstown/Cloghans area and the impact on long-term water quality. There are no comments from the North Western Regional Fisheries Board on file in relation to the subject application.

Whilst a Site Characterisation Form was submitted with the application, contrary to Section 6.2.4 of the EPA's Code of Practice, there are no photographs of the site or trial hole, cross-sections or design details (with the exception of the Site Layout Plan which illustrates the location of the proposed wastewater treatment system) included. I note that the Local Authority's Environment Section recommended that further information be requested from the Applicant in relation to the preparation of a longitudinal section drawing of the proposed foul water drainage system commencing at finished floor level with a 1:60 gradient and showing final discharge levels of proposed tertiary treatment system. I did not identify the location of the trial hole during my site visit nor is its location shown on the planning drawings. I note from my visit that the site has been subject to clearance works with disturbed soil and stone materials located throughout.

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<sup>&</sup>lt;sup>1</sup> The EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses 2009 is applicable as planning permission was sought prior to the 7<sup>th</sup> June 2021.

A T-value of 30.42 and P-value of 22.64 was calculated based on tests undertaken in April 2021. The Form states that the percolation data is within an acceptable range that indicates soils should be suitable for use in a soil polishing filter system. The application includes for the installation of a tertiary treatment system and polishing filter, while stormwater discharge will be managed using a soakaway. The Site Characterisation Form states that the narrow layer of Clay material in the soil profile should not form part of the soil polishing filter system. Instead, it is proposed to install a packaged tertiary treatment system with discharge to a gravel distribution layer. The Form states that effluent will gravity flow from the house and receive initial treatment in a mechanical serration type unit before being pumped periodically into the packaged intermittent filter modules.

Having regard to the density of one-off dwellings in the area with on-site domestic wastewater treatment systems; the site's proximity to Lough Conn (circa 350m), which is a public water supply; the lack of detail submitted with the Site Characterisation Form including *inter alia* photographs of the site or trial hole; and the area's applicable groundwater protection response (R3¹/R2²), I consider that the proposed development would be prejudicial to public health and would be likely to cause a deterioration in the quality of waters in the area in particular Lough Conn.

#### 7.6. Appropriate Assessment

The fourth reason for refusal relates to insufficient evidence to determine whether the development would have a significant adverse effect on the environment, including the integrity of the Natura 2000 network.

The site is within 80m of a terrestrial section of the River Moy SAC (site code 002298) and 280m from Lough Conn and Lough Cullin SPA (site code 004228).

As stated above, the application includes for the installation of a tertiary treatment system and polishing filter, while stormwater discharge will be managed using a soakaway.

The qualifying interests for the River Moy SAC (site code: 002298) are: (1092) White-clawed Crayfish Austropotamobius pallipes, (1095) Sea Lamprey Petromyzon marinus, (1096) Brook Lamprey Lampetra planeri, (1106) Salmon Salmo salar, (1355) Otter Lutra lutra, (7110) Active raised bogs, (7120) Degraded raised bogs still capable of natural regeneration, (7150) Depressions on peat substrates of the

Rhynchosporion, (7230) Alkaline fens, (91A0) Old sessile oak woods with Ilex and Blechnum in the British Isles, and (91E0) Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae).

The conservation objectives for the SAC are:

- 1. To restore the favourable conservation condition of Active raised bogs (7110),
- The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110). A separate conservation objective has not been set in River Moy SAC. (7120),
- Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in River Moy SAC (7150),
- 4. To maintain the favourable conservation condition of Alkaline fens (7230),
- 5. To maintain the favourable conservation condition of Old sessile oak woods with llex and Blechnum in the British Isles (91A0),
- To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (91E0),
- 7. To maintain the favourable conservation condition of White-clawed Crayfish (1092),
- 8. To maintain the favourable conservation condition of Sea Lamprey (1095),
- 9. To maintain the favourable conservation condition of Brook Lamprey (1096),
- 10. To maintain the favourable conservation condition of Salmon (1106), and
- 11. To maintain the favourable conservation condition of Otter (1355).

The qualifying interests for the Lough Conn & Lough Cullin SPA are: (A061) Tufted Duck Aythya fuligula, (A065) Common Scoter Melanitta nigra, (A182) Common Gull Larus canus, (A395) Greenland White-fronted Goose Anser albifrons flavirostris, and (A999) Wetland and Waterbirds.

The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the wetland habitat at Lough Conn and Lough Cullin SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

The planning application is not accompanied by an Appropriate Assessment (AA) Screening Report or Natura Impact Statement. The Planning Authority determined that the proposed development by itself, or in combination with other development in the vicinity could be likely to have a significant effect on European site(s). Having regard to my concerns in relation to the proposed wastewater treatment system and potential impacts on water quality in the area, in particular Lough Conn, I am not satisfied that the proposal by itself, or in combination with other development would not be likely to significantly impact the qualifying interests of the European sites. As such, in my opinion, planning permission should be refused on this basis.

#### 8.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out hereunder.

#### 9.0 Reasons and Considerations

9.1. Having regard to the location of the site within a Rural Area under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and in an area where housing is restricted to persons demonstrating a genuine housing need based on their roots in or links to a particular area in accordance with Section 2.3.1 of the Mayo County Development Plan 2014-2020, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 9.2. Having regard to the density of one-off dwellings in the area, the site's proximity to Lough Conn, which is a public water supply; the lack of detail submitted with the Site Characterisation Form, and the applicable groundwater protection response (R3¹/R2²), the Board is not satisfied, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
- 9.3. On the basis of the information provided with the application and appeal, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on European sites Nos. 002298 (River Moy SAC) and 004228 (Lough Conn and Lough Cullin SPA), in view of the sites' conservation objectives and such would be contrary to Part XAB of the Planning and Development Act 2000 (as amended)

Susan Clarke Planning Inspector

22<sup>nd</sup> October 2021