



An  
Bord  
Pleanála

## Inspector's Report

**ABP-311915-21**

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<b>Development</b>	Construction of a dwelling, septic tank, effluent treatment system and all ancillary site works.
<b>Location</b>	Ahena, Taugheen, Claremorris, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21/655
<b>Applicant(s)</b>	Noel & Natasha Daniels
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Éadaoin Ní Néill
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20th day of October 2022
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1 The appeal site is located within the rural townland of Ahena, approximately seven kilometres south-west of Claremorris. The surrounding landscape is primarily one of undulating rural countryside with intermittent instances of one-off housing and agricultural outbuildings.
- 1.2 The site itself has a stated area of 0.62 hectares, is rectangular in shape and comprises a greenfield site where the site levels are consistent with those of the adjoining public road (cul-de-sac) which has a carriageway width of approximately 4 metres. There is a stone wall and mature deciduous and coniferous trees along the western (roadside) boundary and the eastern, northern and southern boundaries of the site are defined by trees, hedgerow and foliage. The public road is located to the west of the appeal site, a dwelling to the north, undeveloped agricultural land to the east and south. Further south of the appeal site is Ahena organic farm, comprising a farm dwelling and associated farm buildings. There are no protected structures or recorded monuments within the appeal site boundary nor in the vicinity of the appeal site.

## **2.0 Proposed Development**

- 2.1 The development would comprise the construction of a two-storey dwelling house with a stated floor area of two hundred and fourteen square metres with ridge height of approximately 7.4 metres. The overall design of the dwelling is based on a contemporary interpretation of the traditional two-storey farmhouse dwelling, External finishes include blue/black roof slates/tiles, painted render finish and local cut stone cladding.
- 2.2 Access to the site would be from the adjoining public road. It is proposed to install a packaged wastewater treatment system and soil polishing filter whilst a water supply would be obtained from a connection to the public watermain.

- 2.3 The planning application was accompanied by a number of supporting reports including an Appropriate Assessment (AA) Screening Report which includes an Ecological Survey Report, A Site Characterisation Report (SCR) and generic details of the packaged wastewater treatment system.
- 2.4 Further information was submitted by the applicants in relation to Appropriate Assessment (AA) and additional landscaping details for the appeal site.
- 2.5 An Appropriate Assessment (AA) screening report was submitted by the applicants and concluded that the proposals would not adversely impact upon the integrity of any European site.
- 2.6 The Planning Officer following the receipt of the AA screening report concluded that the development that significant adverse impacts on habitats and species within the Natura 2000 site can be ruled out. And that the preparation of a Natura Impact Statement is not required.
- 2.7 A letter of consent from the land owner, Ann O 'Boyle has been submitted, consenting to the applicants making a planning application on her lands.

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

Planning permission was granted by the Planning Authority subject to 12 conditions. The pertinent planning conditions can be summarised as follows:

Condition number 2: External finishes.

Condition number 3: Removal and setting back of section of roadside boundary.

Condition number 4: Surface water management.

Condition numbers 6 and 7: Wastewater treatment.

Condition number 10: Landscaping.

Condition number 11: Sight distance triangle to be kept free of vegetation.

Condition number 12: Development Contributions.

### **3.2 Planning Reports**

The Initial Planning Officers report dated the 29<sup>th</sup> day of July 2021 set out the following.

- The site is located in a rural area.
- The area is designated as a structurally weak rural area within the Mayo County Development Plan (MDP) 2014-2020. These are non-restricted areas where an applicant is not required to demonstrate a site specific housing need.
- Urban and rural housing need can be accommodated, subject to good planning practice.
- Further information was requested regarding an assessment on the potential impacts upon the River Moy Special Area of Conservation (SAC) and for the submission of additional landscaping proposals for the appeal site.

The subsequent Planning Officers report dated the 12<sup>th</sup> day of October 2021 set out the following.

- The Planning Officer was satisfied that the development would not adversely impact upon neighbouring residential amenities nor upon any European site and that the landscaping proposals were satisfactory.
- A grant of planning permission was recommended, subject to the conditions as summarised in Section 3.1 above.

### **3.3 Other Technical Reports**

Senior Executive Planner: No objections, from a flood risk perspective

Municipal District Engineer: No objections

Water Services: No objections.

### **3.4 Prescribed Bodies**

None received.

### **3.5 Third Party Observations**

One observation received. This was received from the adjoining landowner to the north of the appeal site. The issues raised are similar to those included within the appeal submission and include the following:

- Proposals would be contrary to national planning guidance, with specific reference made to the Sustainable Rural Housing Guidelines, 2005.
- Proposals would be contrary to the provisions of the Mayo County Development Plan in relation to infill development and the choice of site
- Queries in relation to the planning process, in terms of the availability of the planning documentation and the erection of the public notices.

## **4.0 Planning History**

I am not aware of any planning history pertaining to the appeal site.

## **5.0 Policy and Context**

### **5.1 Mayo County Development Plan 2014-2020**

At the time the Planning Authority made its planning decision on the 14th day of October 2021, the Mayo County Development Plan (MDP) 2014-2020 was the operational plan. The MDP has since been superseded by the Mayo County Development Plan (MDP) 2022-2028.

### **5.2 Mayo County Development Plan, 2022-2028**

Chapter 2-Core and Settlement Strategy.

There are a number of Core Strategy Objectives set out within the plan as follows:

CSO 4 To move towards more compact towns by promoting the development of infill and brownfield/consolidation/regeneration sites, where available, and the redevelopment of under-utilised land within and close to the existing built-up footprint of existing settlements as an alternative to edge of centre locations.

CSO 5 To encourage where possible the delivery of 30% of new homes in urban areas within the existing built-up footprint of settlement.

CSO 6 To deliver at least 20% of all new homes in the rural area on suitable brownfield sites, including rural towns, villages and the open countryside. For the purpose of clarity, rural towns/villages are settlements with population levels less than 1,500 persons.

Section 2.8.11 sets out the following in relation to the rural countryside:

“The rural countryside is and will continue to be a living and lived-in landscape focusing on the requirements of rural economies and communities, while at the same time avoiding inappropriate development from urban areas and protecting environmental assets”.

“A single category mixed-use zoning applies to the rural village plans i.e., Rural Village Consolidation Zoning. A similar approach is adopted for Tier IV Rural Settlement Plans. These rural villages provide a choice for those who wish to live in a rural setting but not in the rural countryside”.

### Chapter 3: Housing

#### Section 3.4.8 Rural Single Housing

“The Plan makes a distinction between ‘Rural Areas under Strong Urban Influence’ and ‘Remaining Rural Areas’. Map 3.1 delineates the ‘Rural Areas under Strong Urban Influence’. The factors of density per square km where greater than 30 inhabited units per square kilometre were considered the most appropriate indicators to establish ‘Rural Areas under Strong Urban Influence’ and ‘Remaining Rural Areas’.

Within Map 3.1, the appeal site is not identified as being within a Rural Area under Urban Influence. Therefore, by default, the appeal site is considered to be located within Category 2 - Remaining Rural Areas: “These areas comprise of all other rural areas outside of the identified pressure areas under strong urban influence. It is recognised that sustaining smaller community areas is important and as such, it is

considered appropriate to encourage rural housing in accordance with the principles of proper planning and sustainable development. In these areas, the Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network”.

The sensitive reuse, refurbishment and replacement of existing rural dwellings is also recognised as a vital element in maintaining the vibrancy of the countryside

The following Rural Housing policies and objectives are considered pertinent:

RHP 4: To ensure that future housing in rural areas have regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG) or any amended or superseding guidelines.

RHO 2: In rural areas not classified as in Rural Areas under Strong Urban Influence, there is a presumption in favour of facilitating the provision of single housing in the countryside, based on siting and design criteria for rural housing in statutory guidelines and plans, except in the case of single houses seeking to locate along Mayo’s Scenic Routes/Scenic Routes with Scenic Views or Coastal Areas/Lakeshores (See RHO 3 below).

## Chapter 10: Natural Environment

Map 10.1 identifies the appeal site as being within Policy Area 4.

Table 10.1 Landscape sensitivity matrix sets out that rural dwellings are deemed to have a low potential to create adverse impacts upon the landscape character of the area.

The Design Guidelines for the single rural houses have been adopted and are included within Volume 4 of the Mayo County Development Plan 2022-2028.

### 5.3 Sustainable Rural Housing Development Guidelines

The Guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. Section 2.3 pertains to Strengthening Rural towns and villages. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those in proximity to the

immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas.'

#### **5.4 National Planning Framework**

Policy Objective 19 is to: '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.

#### **5.5 Natural Heritage Designations**

The River Moy SAC (site code 002298) is located approximately 2.13 kilometres north-west of the appeal site.

The appeal site is also located approximately 4.8 kilometres north-west of the Carrowkeel Turlough pNHA (site code 000475).

#### **5.6 Environmental Impact Assessment-Preliminary Assessment**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment (EIA) can, therefore, be excluded.



## **6.0 The Appeal**

### **6.1 Grounds of Appeal**

A third party appeal against the Planning Authority's decision to grant planning permission has been received from a neighbouring resident, Éadaoin Ní Néill. The main issues raised within the appellants' submission relate to the following:

Principle of development:

- There are a number of other sites available in this area which are more suitable for development.
- The Mayo Development Plan states that the Planning Authority will encourage the use of vacant residential property as an alternative to new builds.
- The appeal site does not constitute a vacant one and within one mile of the appeal site there are several properties and sites for sale
- The appeal site constitutes a field, that until recently, had been used for grazing cattle or as a meadow.

Rural Housing Need:

- The proposals are contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

Layout and Design:

- The proximity of the proposals to the northern site boundary would result in development which would dominate the existing neighbouring residential property and adversely affect their residential amenity.
- The proposal fails to respect the established building line along the cul-de-sac.
- The size, style and position of the dwelling on site would not be in harmony with the character of its surrounds.

Natural Heritage:

- Some of the claims made in the AA screening do not stand up to scrutiny in relation to the existence of bats on the area and that a bat survey would have been a more credible source of information.

Access:

- The development of a domestic entrance would require breaking an opening in the stone wall roadside boundary and the removal of mature trees inside of the walled boundary.
- The site is accessed off a narrow laneway and the development of the property could lead to future demand for the improvement of the local road.

Other Issues:

- The removal of trees could impact upon local bat roosts as well as other forms of wildlife.
- The site notice was not erected in advance of the planning application being received by the Planning Authority.
- The house plans and layout plans were not made available to view online until weeks after the application had been received by the Planning Authority, thus making it difficult for the appellant to make a full assessment of the proposals.
- The landscaping proposals submitted as part of the further information response includes for the provision of some non-native plant species adjacent to the common boundary with the appellant and revised proposals, including provision for native species should be submitted,

## **6.2 Planning Authority Response**

No comments in relation to the appeal were received from the Planning Authority.

## **7.0 Assessment**

7.1 The main issues in this appeal relate to the issues raised in the grounds of the appeal, in this regard compliance with National and Local Rural Housing Policy, layout and design, natural heritage and site access. Appropriate Assessment

requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Rural Housing Policy.
- Layout and Design
- Natural Heritage
- Site access
- Other Issues
- Appropriate Assessment.

## **7.2 Rural Housing Policy**

7.2.1 National Planning Objective 19 within the NPF requires that in rural areas under urban influence, planning authorities 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 elsewhere in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.2.2 The subject site is located in an area designated as being within the remaining rural area and therefore, not under Strong Urban Influence as set out within the Sustainable Rural Housing Guidelines for Planning Authorities. This national guidance on rural housing states that in Remaining Rural Areas, the key objective should be to facilitate the housing requirements of the rural community whilst directing urban generated development to cities towns and villages. Rural generated housing is defined as being housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. Urban generated housing is defined as housing sought by persons living and working in urban areas.

7.2.3 The Mayo County Development Plan (MDP) 2014-2020 has recently been superseded by the Mayo County Development Plan (MDP) 2022-2028, which was adopted on the 29<sup>th</sup> day of June 2022 and became operational on the 10<sup>th</sup> day of

August 2022. Therefore, this assessment will make reference to the policies and objectives of the MDP 2022-2028.

7.2.4 The County Development Plan (Section 2.4.1) outlines a settlement hierarchy with the three Tier 1 towns of Castlebar, Ballina and Westport being the main focus for development. Claremorris is one of the Tier 11 towns. There are also smaller tier 4 and tier 5 Rural villages and Rural settlements. However, Ahena is not identified as being one of the designated Rural Villages or settlements. The nearest designated settlements to the appeal site are the Rural settlements of Hollymount and Ballyglass, located approximately 11.2 and 7.6 kilometres to the south-west and north-west of the appeal site. The Development Plan states that it will “focus on protecting and consolidating existing settlements”. Section 3.4.8 sets out the following in terms of future settlement growth “The Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network”.

7.2.5 A sparse level of information is provided in terms of the applicants ties and connections to the area. However, from the planning documentation submitted, it is stated that the applicants have resided in a neighbouring village for the last ten years, the precise location is unknown. It is stated that they are renting their current home and do not own a dwelling. It is stated that Noel Daniels owns a retail business in Ballina, which is approximately 51 kilometres north of the appeal site. His wife, Natasha works from home in the area of youth health promotion. Two of the applicants’ children attend primary school in Claremorris, approximately 6 kilometres east of the appeal site. The children are members of Claremorris gaelic football, athletics and soccer clubs. The applicants have failed to outline their intrinsic ties to the local Ahena area, it is not considered that they has demonstrated demonstrable economic or social need to live in a rural area set out in the NPF, or a rural generated housing need that meets the parameters set within the Sustainable Rural Housing Guidelines. I additionally conclude that the proposed development would contravene the settlement strategy set out in the Development Plan to strengthen and consolidate rural settlements, specifically Hollymount and Ballyglass, as alternatives to encouraging rural housing in the open countryside.

- 7.2.6 I accept that Ahena is an area that has not experienced a high level of development pressure, given the relatively low density nature of housing in the immediate area. However, I also note that the Development Plan under RHP 4 specifically references the Sustainable Rural Housing Guidelines which specifically refers to those with intrinsic ties to a rural area or those that are part-time or full-time employed within the rural area. Based on the documentation submitted, I am not satisfied that either of the applicants have demonstrated that they are an intrinsic part of the Ahena community, by virtue of their social or economic ties. Rather, their intrinsic ties appear to be urban based within Claremorris where their children are schooled and involved in local sporting organisations and in Ballina, where Noel has his retail business. Therefore, under the provisions of the Sustainable Rural Housing Guidelines, the applicants would not be considered to be an intrinsic part of the Ahena community. The Development Plan facilitates people with urban based backgrounds to reside in the designated Rural villages and Settlements specifically identified as being within Tiers IV and V of the current MCDP and include Hollymount and Ballyglass.
- 7.2.7 In the absence of an identified locally based, site specific economic or social need to reside in the area, it is considered that the proposed development would contribute to the development of random rural housing, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would negatively impact on the viability of the adjacent rural settlements of Hollymount and Ballyglass.
- 7.2.8 In conclusion, it is considered that the applicants have not demonstrated a site specific rural housing need based on their specific economic or social links to reside in this rural area, as required under the provisions of the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.
- 7.2.9 I am advising, that as this represents a new issue, not raised by any of the parties to this appeal, under Section 137 (2) of the Planning and Development Act 2000 (as amended), the Board shall give notice in writing to each of the parties and to each of the persons who have made submissions or observations in relation to the appeal or referral of this new issue.

### **7.3 Layout and Design:**

- 7.3.1 The appellant sets out that the design, scale and siting of the proposed dwelling within a rural landscape and the development would result in a dominant and overbearing built form that would not integrate appropriately or effectively into the landscape and that the dwelling design would be contrary to the rural dwelling design principles as set out with the Mayo Rural Dwelling Design Guide.
- 7.3.2 The applicants have submitted details of a narrow plan two storey design, with a single storey stone clad projection on the front elevation and two separate two storey projections on the rear elevation. The dwelling would have an overall length of 17.6 metres approximately. The front elevation comprises a mixture of large picture type windows mixed with other fenestration detailing providing a traditional vertical emphasis. A mix of rubble stone cladding and render are proposed for the external wall finishes and a blue/black natural slate is proposed for the roof areas. The dwelling would be set back approximately 55 metres from the public road,
- 7.3.3 The dwelling design would largely accord with the design principles as set out within the Mayo Rural Design Guide; however, I do not consider it appropriate or necessary to develop an extensive hard surfaced driveway, which is located 55 metres back from the public road. However, in the event that a grant of planning permission is being considered by the Board, this matter could be addressed by means of an appropriate planning condition.

### **7.4 Natural Heritage**

- 7.4.1 The appellants raised the issue of impact upon local bats that roost in the area and other wildlife in the area. As part of the ecological report submitted by the applicants, reference is made to the existence of bats in the area.
- 7.4.2 In conclusion, given that the majority of the mature trees on site are proposed to be retained under the development proposals, I am satisfied that any impact upon bats and bat roosts would not be so adverse as to warrant a refusal of planning permission on this particular issue.

### **7.5 Access and traffic**

- 7.5.1 Access to the appeal site is from a local county road, a cul-de-sac where the 80 kilometre per hour speed control zone applies. The applicants have submitted details of sightlines, whereby sightlines of 60 metres in both directions from the entrance point would be achieved. I note that the 60 metre sight line in a northerly direction does not encompass the line of sight of both sides of the carriageway. It is unclear what the x-distance (set back) is from the edge of the public carriageway as per the Site Layout Plan submitted. However, it is approximated to be 2 metres when scaled from the Site layout Plan. It is proposed to remove approximately 25 metres of the stone wall roadside boundary and a number of mature trees inside the stone wall in order to achieve the 60 metre sightlines.
- 7.5.3 The Local Authority Municipal District Engineer outlined no objections to the proposed development, from an access viewpoint. From my site inspection and from the Site Layout Plan submitted, I consider that the applicants have not demonstrated adequate sight lines from the proposed entrance point in accordance with Table 4, Volume 2 of the MCDP 2022-28, regarding Access Visibility Requirements. The MCDP sets out that an x-distance (set back) of three metres should be achieved but that this can be relaxed to 2.4 metres and that the lowest y and z (sight and stopping distances) distances set out in relation to local roads is 70 metres. It sets out that the lands within the sight distance triangles shall be within the control of the applicant and shall be subject of a formal agreement with the adjacent landowner which ensures certainty that the applicant is in a position to comply with the relevant condition and/or standard. In order to achieve the requisite sightlines would necessitate the removal/setting back of the roadside boundaries to the north and south of the entrance, some of which are outside of the red line application site boundary, and some would appear to be outside the control of the applicants. I note that the sightlines in a northerly direction do not encompass both sides of the carriageway and the set back (x-distance) would not appear to adhere to the development management standard within Table 4 of the Development Plan nor with best practice road design guidance. Given that adequate sightlines/stopping distances have not been demonstrated in accordance with the Development Plan standards, I consider that planning permission should be refused on traffic safety grounds.

7.5.4 In conclusion, given that the necessary sight/stopping distances have not been demonstrated and also may not be achievable, I consider that the development has the potential to compromise the safety and efficiency of the local road network at a location where the 80km/h speed control limit applies, I am of the opinion that the development would generate additional vehicular movements which would intensify the level of traffic that would be generated on the local road network. Given that the requisite sightlines have not been demonstrated and in any event may not be achievable within the red line application site boundary, and/or on lands within the applicants control in accordance with MCDP/best practice road safety standards, I am of the opinion that the development, if permitted, would result in the creation of a traffic hazard.

## **7.6 Other Issues**

7.6.1 In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice and the submission of documentation to the Planning Authority, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

## **7.7 Appropriate Assessment**

7.7.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. I have had regard to the Appropriate Assessment Screening Report, prepared by Paul Neary, Environmental Consultant, and make reference to same below.

7.7.2 Section 2.2 of the AA screening Report sets out Characteristics of the Existing Environment and describes the habitats and species within the European sites in the vicinity of the proposed development. In relation to habitats, it is noted that the appeal site comprises a field of Improved Agricultural Grassland (GA1). The field is surrounded by a stone wall categorised as Stone Walls and Other Stone Work (BL1), and Treeline (WL2). I noted that there are no watercourses within or adjacent to the



development site, and that none of the habitats within or adjacent to the works area correspond to those listed within Annex 1 of the EU Habitats Directive.

- 7.7.3 In relation to fauna, it is stated within the screening report that no evidence of Annex II protected species associated with the River Moy SAC were recorded within or adjacent to the site boundary. No dedicated bird survey was undertaken. No species listed as a Special Conservation Interest were recorded during the site visit or breeding or significant foraging habitat for these species were recorded within or adjacent to the site boundary
- 7.7.4 The Geological Survey of Ireland website provides details of soils and geology throughout Ireland. From the GSI website, it is apparent that the site is underlain by BminDW (Basic mineral deep well drained brown earths and grey-brown podzolics) which overlie a sub-soil of tills derived chiefly from limestone glacial till of moderate permeability.

### **The Project and Its Characteristics**

See the detailed description of the proposed development in section 2.0 above.

### **The European Sites Likely to be Affected Stage I Screening**

- 7.7.5 Section 2.0.3 of the AA Screening Report lists the European Site(s) within 15km of the proposed development and assesses those which are within the 'Likely Zone of Impact'. There is 1 no. European site listed as being within 15km of the site.
- 7.7.6 In determining a zone of influence, I had regard to the scale and nature of the project, and I have had regard to the EPA Appropriate Assessment Mapping Tool. I consider that the SAC that would be within the zone of influence of the River Moy SAC, which is located approximately 2.13 kilometres north-west of the appeal site.
- 7.7.7 I consider that the zone of influence of the project comprises one Natura 2000 site noted above. Other sites are such a distance from the proposed development site that there would not be any significant effects on them as a result of habitat loss and/or fragmentation, impacts to habitat structure, disturbance to species of conservation concern, mortality to species, noise pollution, emissions to air and emissions to water.

7.7.8 The site and its Qualifying Interests/Species of Conservation Interest are listed below:

Table 1:

European Site	Qualifying Interests	Distance from Appeal Site	Potential Connections (source-pathway-receptor)	Further Consideration in Screening
River Moy SAC (Site Code 002298)	<p><u>Habitats</u></p> <p>Lowland hay meadows. Active raised bogs, Degraded raised bogs, Depressions on peat substrates, Alkaline fens, Old sessile oak woods, Alluvial forests</p> <p>.</p> <p><u>Species:</u></p> <p>Otter Salmon, Sea lamprey, Brook Lamprey, White Clawed Crayfish.</p>	2.13 kilometres north-west of the appeal site.	Yes. Requires further assessment due to there being potential hydrological connectivity between the appeal site and the SAC via groundwater. Potential for foul effluent discharges from operational phase of development. Proposed works have potential to cause deterioration in water quality during construction and operation and to potentially adversely impact on habitats/species, either alone or in combination, and on the conservation status of aquatic habitats and species dependent on the water quality within such habitats due to pollution or	Yes.

			sedimentation arising from the construction and/or operational phases of the development.	
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I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

- 7.7.9 In relation to the River Moy SAC (002298). The Conservation Objective for this Natura 2000 site is ‘to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex 11 species for which the SAC has been selected’ Information on the NPWS website, including the site synopsis, note that the predominant habitats on the site are Active raised bogs (priority habitat), Degraded raised bogs, depression on peat substrates, Alkaline fens, Old Sessile Oak woods and Alluvial forests. The predominant species within the site include the Otter, Salmon, River and Brook Lamprey and White Clawed Crayfish. There is no surface water hydrological pathway connecting the appeal site to the River Moy. As per the NPWS datasets and the datasets held by the National Biodiversity Data Centre (NBDC) no evidence of protected species or habitats have been recorded within the appeal site nor its vicinity. The appeal site does not support such species and is a significant distance from the River Moy SAC (2.13 km) and as such, significant effects on this site can be ruled out, having regard to its Conservation Objective.
- 7.7.10 Having regard to the above, I therefore consider that significant likely effects on the River Moy SAC (002298) can be ruled out, having regard to the sites’ conservation objectives, and a Stage 2 Appropriate Assessment is not required.
- 7.7.11 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.

Following 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 River Moy SAC (002298) or any other European site, in view of the sites Conservation Objectives.’

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.

## **8.0 Recommendation**

I recommend that planning permission be refused.

## **9.0 Reasons and Considerations**

- 1 The subject site is located within an area designated “Other Rural Areas” as identified in the Mayo County Development Plan 2022-2028. Furthermore, the site is located in an area that is designated as a Stronger Rural Area in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims to 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicants have demonstrated a genuine housing need to live in this rural area as required under the National Planning Framework and the Sustainable Rural housing Guidelines. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out within the current Mayo County Development Plan, 2022, specifically RHP 4 which makes specific reference to the National Planning Guidance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: This represents a new issue in the appeal not raised by any of the parties to this appeal. Under Section 137 (2) of the Planning and Development Act

2000 (as amended), the Board shall give notice in writing to each of the parties and to each of the persons who have made submissions or observations in relation to the appeal or referral of this new issue.

- 2 It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a local road at a point where sightlines are restricted in a northerly direction and have not been demonstrated in accordance with the Mayo County Development Plan standards.

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Fergal O'Bric

Planning Inspectorate

25th November 2022