



An
Bord
Pleanála

Inspector's Report

ABP-312498-22

Development	Permission for demolition of non-habitable cottage, construction of dwelling, proprietary treatment system and all associated site works.
Location	Dowagh West, Cross, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21/472
Applicant(s)	David Morrin and Sinéad Monaghan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Joe Varley
Observer(s)	None
Date of Site Inspection	20th day of October 2022
Inspector	Fergal O'Bric

1.1 Site Location and Description

- 1.1 The appeal site is located within the rural townland of Dowagh West, west of the rural village of Cross in south County Mayo. The site is located approximately ten kilometres south of Ballinrobe and approximately 11 kilometres north of Headford Co. Galway. Cross is a small rural village developed around a nucleus of dwellings, a school, a church, two public houses and a local shop and is located along the R334, the main route linking Ballinrobe with Headford in Galway.
- 1.2 The site itself has a stated area of 0.37 hectares, is rectangular in shape and comprises an agricultural field with a ruin of a roofless structure, gable ended towards the public road. The site levels fall gradually from south to north and east to west within the appeal site. The adjoining public road has a carriageway width of approximately 4 metres and links the R334-Ballinrobe Road with the R346, Cong Road. There is a stone wall and foliage along the southern (roadside) and eastern boundaries, open to the field along the northern boundary and a mixture of trees and hedgerow along the western boundary. The public road is located to the south of the appeal site, a traditional two storey dwelling to the east, undeveloped agricultural lands to the north and to the west is a dormer style dwelling. Further south-east and south-west of the appeal site are a number of individual dwelling units. 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 following:

Demolition of non-habitable cottage and construction of a detached dwelling house, proprietary treatment system and all associated site works. The part three-storey part single storey dwelling house has a stated floor area of two hundred and forty two square metres with a maximum ridge height of 8.5 metres, 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, a link road between the R334 and the R346. 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 and a Site Characterisation Report (SCR) and generic details of the Tricel packaged wastewater treatment system.
- 2.4 Further information was submitted by the applicants in relation to Appropriate Assessment (AA), correspondence with Irish Water, land registry and folio details.
- 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 would not result in significant adverse impacts on habitats and species within any Natura 2000 site. and the preparation of a Natura Impact Statement is not required.
- 2.7 A letter of consent from the land owners, Roisín McTigue and Michele Giullana has been submitted, consenting to the applicants making a planning application on their lands.

3.0 Planning Authority Decision

3.1 Decision

Planning permission was granted by Mayo County Council 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 25th day of June 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.
- Within non-restricted areas, 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 Lough Corrib Special Area of Conservation (SAC).

The subsequent Planning Officers report dated the 13th day of December 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 site is not located in the vicinity of any archaeological remains.
- A grant of planning permission was recommended, subject to the conditions as summarised in Section 3.1 above.

3.3 Other Technical Report(s).

Water Services: Requested that the watermain on site be exposed at either end to ensure that no building works occur over the mains pipeline or alternatively to divert the watermain away from any development works.

3.4 Prescribed Bodies

None received.

3.5 Third Party Observations

One observation received. This was received from Mr Joe Varley, who resides immediately east of the appeal site. The issues raised in the observation are similar to those included within the appeal submission and include the following:

- Proposals would be contrary to national planning guidance and statutory planning requirements.
- The existing structure on site was never used as a dwelling but as a stable/shed with a lean-to cart house. The original farm dwelling was located further back on the site than the existing derelict structure.
- The area is lacking in public services and community facilities served by a poor road network.
- The proposal would lead to the uneconomic demand for improved public services and community facilities.
- The water supply in the area is currently under strain.
- The development would contribute to and consolidate a pattern of ribbon development.
- There is poor visibility available at the entrance point where the maximum speed limit applies. There are no public footpaths nor street lighting available in the area.
- Ponding of water on the adjoining carriageway occurs.
- The development would constitute an obtrusive feature within the local landscape and injure the visual and residential amenities in this area.
- The positioning and scale of the development would adversely impact upon local views and landscape.

- The proposal would be contrary to national planning policy and statutory planning requirements.

4.0 Planning History

I am not aware of any relevant 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 2.8.1.2 sets out the following in relation to Rural villages

In order to realise the consolidation of these villages, each Rural Village Plan defines the village boundary and encourages development to be delivered in a sustainable sequential manner from the village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and buildings.....These rural villages provide a choice for those who wish to live in a rural setting but not in the rural countryside.

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.

SSP5: To promote and encourage the sustainable, balanced development of the Rural Settlements and Rural Villages in an incremental manner, with the emphasis on small scale development over a medium to long-term period, in keeping with the character of the settlement.

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 relevant:

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.

RHP 6: To encourage the reuse of an existing rural building/structure other than a house for residential development subject to proper planning and sustainable development.

RHP 7 To consider replacement dwellings or development of other structures to habitable homes in all rural areas, subject to normal planning considerations.

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 Lough Corrib SAC (site code 002297) is located approximately 1.4 kilometres south-west of the appeal site.

The Lough Corrib pNHA (site code 004042) is located approximately 0.61 kilometres south-east of the appeal site.

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 was received from a neighbouring resident, Mr Joe Varley. The main issues raised within the appellants' submission relate to the following:

Layout and Design:

- The proximity of the proposal to the eastern site boundary would result in development which would adversely impact the privacy of the neighbouring residential property and adversely affect their residential amenity.
- The tree to be retained as set out within the submitted plans fell during a storm in December 2021.
- The finished floor level for the dwelling means little on its own with no finished ground levels or relationship to the adjoining public roadway levels.

Access:

- It is doubtful if the 63 metre sightlines set out within the site Layout Plan are achievable.

- The local roadway is busy with additional cars, pedestrians and cyclists traversing along its length, where there is no footpath or streetlighting and in places little or no grass margin.

Other Issues:

- The re-routing of the watermain on site is proposed through the percolation area.
- There are no proposals regarding the air valve on the watermain which has an important function in terms of reducing contamination risk to the watermain.
- There is no mention of a garage in the public notices, yet a garage/annex structure is included within the plans submitted.
- The existing structure on site was never used as a dwelling but as a stable/shed with a lean-to cart house.
- A refusal of planning permission issued on an adjacent site in 2001 under Board reference PL.16.121918. The refusal reasons in that instance pertained to consolidating ribbon development in a rural area lacking public services and community facilities, and that the development would result in the creation of an obtrusive feature in an area of special scenic importance.

6.2 Planning Authority Response

None received. .

7.0 Assessment

7.1 The main issues in this appeal relate to the issues raised in the grounds of the appeal and include layout and design, traffic and access and servicing. Appropriate Assessment requirements are also considered. I consider that the issue of compliance with local and national Rural Housing Policy should be addressed. 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
- 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 a 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 29th day of June 2022 and became operational on the 10th day of August 2022. Therefore, this assessment will make reference to the policies and objectives of the MCDP 2022-2028.
- 7.2.4 Section 2.4.1 of the MCDP outlines a settlement hierarchy with the three Tier 1 towns of Castlebar, Ballina and Westport being the main focus for development. There are also smaller tier 4 and tier 5 Rural settlements and Rural villages. Cross is identified as being one of the designated Rural Villages within Volume 3 of the

MCDP 2022-2028. The appeal site is located approximately 100 metres west of and outside of the designated consolidation zone for Cross, as defined within the Development Plan. 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 applicant David Morrin resides approximately 0.7 kilometres from the appeal site, the precise location is unknown. It is unclear whether his current place of residence is within the consolidated village boundary of Cross or not. Letters of support from the local GAA club and primary school have been submitted. It is stated that David Morrin is employed as a teacher in Balla, which is approximately 34 kilometres north of the appeal site and Sinéad Monaghan is employed as a teacher in Oughterard, Galway, which is approximately 51 kilometres south-west of the appeal site. The applicants have failed to outline their intrinsic ties to the local Dowagh West area, it is not considered that they have demonstrated a demonstrable economic or social need to live in a rural area as 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 Cross, as alternatives to encouraging rural housing in the open countryside.

7.2.6 I note that Dowagh West is an area that has experienced development pressure, given there are approximately twenty dwellings within a 250 metre radius of the appeal site. I consider that the development would, therefore, contribute to the provision of random rural housing in an area that has experienced development pressure, would exacerbate the pattern of ribbon development within this rural area outside of the designated village of Cross, where consolidation of development is encouraged as per specific policy SSP5 within the current MCDP.

7.2.7 RHP's 6 and 7 within the Development Plan encourage the reuse of derelict dwellings and structures and the replacement of old dwellings. Although, the applicants are proposing to demolish a roofless ruinous structure on this site, they are not proposing to incorporate the ruin as part of their proposals, in terms of reusing the structure or by refurbishing and/or extending it. The applicants are proposing to build a new dwelling house on a greenfield site which is not within their ownership, Therefore, the development would be considered to be speculative in nature, in that it is outside of either applicants family ownership. The Development Plan facilitates people to reside in the designated Rural villages and Settlements specifically identified as being within Tiers 4 and 5 of the current MCDP, and include the neighbouring village of Cross.

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 these represent new issues, 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 these new issues.

7.3 Layout and Design:

7.3.1 The applicants have submitted details of a dwelling which provides for a gable to the road part three-storey and part single storey dwelling, the two elements linked by a flat roofed recessed hallway feature. The dwelling would have an overall width of 16.6 metres and a depth of 16.95 metres. The dwelling would have a maximum ridge height of 8.5 metres. The elevations comprise a mixture of large picture type windows mixed with other fenestration detailing. 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. I am satisfied that the dwelling design would be consistent with the rural dwelling design principles as set out with the Mayo Rural Dwelling Design Guide.

- 7.3.2 The appellant sets out that the design, scale and siting of the dwelling would adversely impact upon the privacy within his garden area and therefore, adversely impact upon his residential amenity. I note the single storey annex part of the dwelling is located nearest the property of the appellant and therefore, I am satisfied that no overlooking would arise from this element of the proposal. The only above ground floor window on the eastern elevation of the three storey element would serve a bathroom. This could be conditioned to include opaque glazing in the event that a grant of planning permission is being recommended.
- 7.3.3 I note that the levels within the appellants property are above those on the appeal site. Having regard to the separation distances between the proposed dwelling and that of the appellant, being a minimum of 21 metres from the single storey annex of the proposed dwelling, I am satisfied that with appropriate landscaping, that the development would not adversely impact upon the residential amenity of the neighbouring residential property to the east.

7.4 Access and traffic

- 7.4.1 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 sight distances, whereby sightlines of 63 metres in both directions from the entrance point would be achieved. I note that the 63 metre sight line in an easterly direction does not encompass the line of sight for both sides of the carriageway. It is apparent from the sightlines drawing number 20-223-DWG-P08, that the sightlines are measured from a 3 metre x-distance (set back) from the edge of the public carriageway. It is proposed to remove approximately 27 metres of the stone wall roadside boundary in order to achieve the 63 metre sightlines.
- 7.4.2 I note that no comments were received from the Local Authority Municipal District Engineer in relation to access or traffic. From my site inspection and from the sightlines drawing 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.

7.4.3 In order to achieve the sightline standards set out within the Development Plan would necessitate the removal/setting back of the roadside boundaries to the east and west of the entrance. A portion of the sightline, particularly in an easterly direction traverses lands, some of which would appear to be outside the control of the applicants. I note that the sightlines in an easterly direction do not encompass both sides of the carriageway. 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.

7.4.4 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.

7.5 **Services**

7.5.1 The appellant raised the issue of the watermain traversing the appeal site and that the development would require the re-routing of a watermain within the site. The appellant contends that the re-routed watermain would traverse the percolation area. I note the comments from the Water Services Section within the Local Authority. This report recommends that the applicants ensure that no construction works would occur over the watermain, and that agreement be made to divert the watermain

around the perimeter of the site and away from the development works. This is a matter that could be dealt with by means of an appropriate planning condition, in the event that a grant of planning permission is being recommended.

7.5.2 I note that details of a pre-connection correspondence with Irish Water have been submitted which outlines no objection in principle to connecting into the public watermains.

7.6 ***Other Issues***

7.6.1 The appellant raised an issue in relation to a garage/annex structure and that no mention of same is made within the public notices. I concur that there is no mention of a garage/annex structure within the public notices. As per the plans submitted, I am satisfied that there is no proposal to provide a garage or annex structure on site, just the main dwelling which would comprise two elements linked by means of a flat roofed hall structure. 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 3.3 of the AA screening Report sets out the field survey results and the characteristics of the existing environment. 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 note 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 were recorded within or adjacent to the site boundary. No dedicated bird survey was undertaken. No species of 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) to the north of the site and AminDW (Acid brown earths, brown podzolics) in the southern part of the appeal site.

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 Table 1 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 are 16 European sites listed as being within 15km of the site. However, I consider the 15 kilometre threshold to be a rather crude and unreliable mechanism for accurately assessing which European sites fall within the potential zone of impact.
- 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 European that would be within the zone of influence of the appeal site would be the Lough Corrib River SAC, which is located approximately 1.4 kilometres south-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 development site or lack any hydrological connectivity, such 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/or 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
Lough Corrib SAC (Site Code 000297)	<p>Lough Corrib SAC (Site Code 000297)</p> <p>Habitats</p> <p>Oligotrophic waters containing very few minerals of sandy plains</p> <p>Oligotrophic to mesotrophic standing waters with vegetation</p> <p>Hard oligo-mesotrophic waters with benthic vegetation</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (important orchid sites)</p>	Approximately 1.4 kilometres to the south 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. Proposed works have potential to cause deterioration in water quality during construction 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 sedimentation arising from the construction/operational phase of the development.	Yes.

	<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils</p> <p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration</p> <p>Depressions on peat substrates of the Rhynchosporion</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>Petrifying springs with tufa formation.</p> <p>Alkaline fens.</p> <p>Limestone pavements.</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles.</p> <p>Bog woodland.</p> <p>Species:</p> <p>Freshwater Pearl Mussel).</p>			
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

	White-clawed Crayfish.			
	Sea Lamprey.			
	Brook Lamprey.			
	Salmon.			
	Lesser Horseshoe Bat.			
	Otter.			
	Slender Naiad.			
	Slender Green Feather-moss.			

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 Lough Corrib SAC (000297). 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 SAC 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 SAC include the Otter, Salmon, River and Brook Lamprey and White Clawed Crayfish. There is no surface water hydrological pathway connecting the appeal site to Lough Corrib. 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 Lough SAC (approximately 1.4 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 Lough SAC (000297) 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 Lough Corrib SAC (000297) 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 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 an easterly direction and have not been demonstrated in accordance with the Mayo County Development Plan standards.
- 2 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.

- 3 It is the policy of the Planning Authority as set out within the current Development Plan to control urban sprawl and ribbon development. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in this open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: These represent new issues 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 these new issues.

Fergal O'Bric

Planning Inspectorate

29th December 2022