



An  
Bord  
Pleanála

## Inspector's Report ABP-312637-22

<b>Development</b>	Extensions to a public house, partially covered external courtyard area, new vehicular entrance, new wastewater treatment system, use of outbuildings for storage, associated signage and all associated site works.
<b>Location</b>	Skehanagh, Ballintubber, Co Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21/1172
<b>Applicant(s)</b>	Thelma Healy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Thelma Healy
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19th day of October 2022
<b>Inspector</b>	Fergal Ó Bric.

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.745 hectares and is located within the rural townland of Skehanagh, and approximately two kilometres south of Ballintubber Crossroads on the eastern side of the N84, National Secondary Route, a route linking the towns of Castlebar and Ballinrobe. There is a two storey public house premises on site which is not currently trading with an apartment at first floor level. The public house is located in close proximity to the edge of the carriageway of the adjoining national route. The site is open to the public road with a number of access points from the appeal site directly onto the N84. The 100 kilometre per hour (kph) speed control zone applies in this area.
- 1.2. To the north and east of the appeal site are agricultural lands, to the west is the N84 on the opposite side of which are a number of dwellings and there are a number of established dwellings also located further south of the appeal site accessing directly onto the N84. There is a hedgerow boundary and some trees along the northern and eastern site boundaries, largely open to the western boundary along the N84 and a walled and post and rail boundaries to the south. Hardcore has been laid within the curtilage of the appeal site and is used as an informal car parking area. Levels within the western part of the appeal site are consistent with those of the public road but site levels rise up towards the eastern and north-eastern part of the appeal site.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for a 187 square metre (sq. m.) extension comprising additional bar, dining, kitchen, toilet, circulation, storage, staff and ancillary areas onto the side and rear of an existing public house (158 sq. m), a partially covered external courtyard area with dining and bar seating area to the rear of the premises, new site access and car park areas, boundary treatments, new wastewater treatment system and decommissioning of existing system, change of use of outbuilding for storage purposes, signage and landscaping works.
- 2.2. The Planning Authority conducted an Appropriate Assessment (AA) screening exercise and concluded that the development, either alone or in combination with

other plans or projects, would not adversely impact the integrity any Natura 2000 site and that the submission of a Natura Impact Statement (NIS) is not required.

- 2.3. There were a number of supporting reports submitted as part of the planning documentation and included: A supporting Planning Report prepare by Planning Consultants, an Appropriate Assessment (AA) screening document and a Site Characterisation Report (SCR).

### **3.0 Planning Authority Decision**

- 3.1. Mayo County Council refused planning permission for the proposed development for two reasons as follows:

1: Having regard to the rural location of the site and proposal which seeks to expand an existing public house development along the N84 (a national secondary route of importance), where the maximum speed limit applies together with the proposals to establish a new access development directly onto the said national road, it is considered that the proposed development would either by itself, or by the precedent it would set, adversely affect the operation and safety of the national road network. Therefore, if permitted, the proposed development would create an adverse impact on the operation and free flow of traffic and safety of road users by virtue of additional traffic and turning movements resulting from an intensification of the existing use on the site along the national road network where the maximum speed limit applies and thereby would pose as a danger to public safety by way of a traffic hazard. Furthermore, the proposed development, if permitted, is at variance with national policy in respect of control of frontage development on National Roads as set out in the DoECLG Policy-Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012), which seeks to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses onto national roads where the maximum speed limit applies. Therefore, the proposed development as proposed is contrary to national policy in relation to the control of frontage development along the national road network and would militate against a stated objective (Objective RD01) set out in the Mayo County Development Plan 2014-2020, and as such is contrary to the proper planning and sustainable development of the area.

2: Based on the information submitted, the Planning Authority is not satisfied that the site assessment and recommended wastewater treatment system accords with the EPA Code of Practice for development of this nature (Commercial and domestic). The details submitted in the assessment would appear to reference adherence to the EPA Code of Practice for Wastewater Treatment and Disposal Systems serving single houses (PE ≤ 10) (2009). In addition, the site layout map provided does not adequately demonstrate the location of the proposed system and its associated infrastructure. In the absence of sufficient details in this regard, the implications of traffic and turning movements on the proposed wastewater treatment system cannot be determined. On this basis, it is considered that the proposals, in its current format, has not adequately demonstrated that the site and proposed new wastewater treatment system can be accommodated on the subject site, nor has it been demonstrated that the proposals accord with the appropriate EPA Code of Practice, EPA Manual, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999). In the absence of these essential details, it is considered that the proposed development, if permitted, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

Planning Report:

The Planner was not satisfied based on the planning documentation submitted that the proposal accorded with the policies and objectives of the development plan in relation to wastewater treatment. Based on the referral response received from Transport Infrastructure Ireland, the Planner deemed the proposal would be contrary to the TII policy on access to National routes. A refusal of planning permission was recommended.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

### **3.3. Other Technical Reports**

Environment, Climate Change and Agricultural Department: No objection, subject to conditions.

Roads Department: No objection, subject to conditions.

National Road Design Office: No objection, subject to conditions.

### **3.4. Prescribed Bodies**

Transport Infrastructure Ireland: The proposal is at variance with national policy in relation to control of development on/affecting national routes as outlined in the Guidelines issued by the Department of Environment, Community and Local Government entitled, Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, specifically Section 2.5 of that document.

### **3.5. Third Party Observations**

None received.

## **4.0 Planning History**

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

## **5.0 Policy and Context**

### **5.1. Mayo County Development Plan 2022-2028**

Section 4.4.8-Rural Economy

Mayo is a rural county, with much of its population rural-based and the majority of the land in the county is in agricultural / forestry use. Construction, engineering, manufacturing, quarrying, tourismrelated services, transport, energy production, forestry, agriculture, food, education, waste disposal and health are all significant areas of employment in the rural areas of County Mayo.

The following specific objective is relevant to the current proposals.

EDO 55 To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas, where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This objective shall not apply to sites accessed from the National Road Network.

Section 6.4.2.1 of the Development Plan pertains to National Routes: Mayo County Council recognises the strategic importance of the national road network in the county and its important regional and inter-regional connectivity within and through the region.

Significant investment and improvements in the existing road infrastructure have been made by the Local Authority, in terms of upgrades, realignments, maintenance, traffic management measures, traffic calming measures and road safety measures. It is important to protect, maintain and enhance the carrying capacity of the national road network in County Mayo. In doing so, due regard will be afforded to the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, relating to development affecting national primary and secondary roads,

MTP 23 To protect the capacity, efficiency and safety of the national road network in Mayo by complying with the 'Spatial Planning and National Roads -Guidelines for planning authorities' (2012).

MTP 24 To avoid the creation of additional direct access points from new development adjoining national roads or the generation of additional traffic from existing direct accesses to national roads to which speed limits greater than 60 km/h apply.

MTO 22 A less restrictive approach to non-residential access to National Roads may apply to development considered to be of National or Strategic Importance. Exceptions are required to be identified for incorporation into the Development Plan and the Council will undertake a survey to identify such sites and agree cases in consultation with the TII where 'exceptional circumstances' will apply in accordance with the provisions of Section 2.6 of the DoECLG Guidelines. Such exceptions may also include extensions to existing permitted developments along National Roads. In such cases the existing access may require mitigation measures and upgrading where it is found to be substandard. The Planning Authority will commence the engagement with the TII to agree the case for access off the National Road. One such site has been identified in Ballina:

- IDA Site at Quignashee, Ballina (off the N59) and
- Additional sites where required and agreed with the TII

## Chapter 10: Natural Environment

Map 10.1 identifies the appeal site as being within Policy Area 4A-Lakeland sub-Area.

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

### 5.2. National Policy

#### 5.2.1. National Planning Framework

The following National Policy objectives are considered relevant to the current proposals:

NSO 2: Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

NPO 14: To protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape that make Ireland's rural areas authentic and attractive as places to live, work and visit.

#### 5.2.2. Spatial Planning and National Roads Guidelines for Planning Authorities, Department of Environment, Community and Local Government, 2012.

Section 2.5 To maintain the strategic function and to protect, maintain and ensure the safety of this finite and critical network resource. Managing the extent of direct accesses to national routes and the turning movements associated with these accesses is critical in terms of adhering to TII's policy in terms of maintaining and the strategic function of these routes.

### 5.3. Natural Heritage Designations

The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Lough Cara/Mask SAC (site code 001774) is located approximately 0.9 kilometres south-east of the appeal site and Lough Carra SPA (site code 004051) is located approximately 1.2 kilometres east of the appeal site. There is no hydrological surface pathway linking the appeal site to the European sites.

- The Lough Cara/Mask pNHA (site code 001774) is located approximately 0.9 kilometres east of the appeal site. There is no hydrological surface pathway linking the appeal site to the pNHA.

#### 5.4. Environmental Impact Assessment Screening

- 5.4.1. Having regard to the nature and scale of the proposed development 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 received from the Planning Partnership, Planning Consultants on behalf of the applicant. The key issues raised within the appeal submission can be summarised as follows:

Access and Traffic:

- A Traffic and Transport Assessment Report (TAR) and a Road Safety Audit (RSA) have been commissioned and submitted by the applicants to support the development proposals.
- The N84 is considered to be lightly trafficked in comparison with the measured flows.
- The proposals will generate low traffic volumes in the context of the road network in the area.
- The TAR concludes that the road network is more than adequate to accommodate the worst traffic associated with the proposals, and the proposals will result in a negligible increase in traffic levels locally.
- There are no adverse traffic/transportation capacity or operational issues associated with the proposals that would prevent planning permission being granted.



- The proposals would result in the removal of the established open frontage parking and an improvement in the established traffic safety conditions.
- The removal of the frontage parking and replacement with a well-designed priority access junction will represent a significant improvement in operational traffic safety conditions.
- The RSA website indicates that there was only one minor road traffic collision along this stretch of the N84, that being back in the year 2012.
- The proposals will not result in any significant or noticeable level of increased trips on to the N84, any traffic level increases would be expected to be well below the industry standard level of 5% a, above which further assessment would be required.
- The proposed development will have a negligible and unnoticeable impact upon vehicular traffic conditions locally.
- These conclusions are based on a comprehensive appraisal of the proposals, based on well-established methodologies, which are evidence based and prepared by traffic specialists,
- The refusal reason of the PA is not grounded on any advice or recommendations of either the NRDO or the Road Design Department within Mayo County Council.
- The Planning Officers' assessment places significant weight on the submission made by TII.
- There is no evidence of any site specific consideration being applied by TII. It is unclear if TII had regard to the improvements to the existing access points and the net reduction in the number of access points proposed.
- The planning assessment conducted by the Planning Authority (PA) places an over reliance on the generic comments of the TII submission and fails to provide a complete assessment of the merits or characteristics of the proposed development.
- The proposals provide for a rationalisation of access arrangements to and from the site, including a reduction in the number of access points.

- The benefits appear to have been dismissed and were outweighed by a perception of an unacceptable level of assumed intensification.
- The capacity of the premises is expected to increase by an average of 6.1% from 147 persons at present to 156 persons with the current proposals.
- This increase could not be reasonably characterised as a tangible intensification of use.
- The new access point is simply a modification of an existing access point to the site.

#### Wastewater Treatment:

- The second reason for refusal arises from an inadvertent reference to the EPA Code of Practice for Wastewater Treatment and disposal system for single houses 2021 rather than the EPA Code of Practice Manual-Treatment systems for Small Communities, Business, Leisure Centres and Hotels, 1999.
- An updated Site Suitability Assessment (SSA) has been provided referencing the appropriate EPA Code of Practice.
- This particular matter is a minor procedural issue and has not altered the conclusions made by the Site Assessor that the proposals can be adequately serviced with wastewater infrastructure.
- The wastewater loading associated with the development proposals is unchanged as a result of the updated Code of Practice reference.
- A site layout plan including details (layout and longitudinal sections, separation distances) of the wastewater treatment system are included.

#### Other Matters:

- The enhancement and continuity of rural establishments such as the local pub are recognised as being of value within the National Planning Framework (NPF) under NPO's 14 and 17.
- The DM Guidelines set out that the planning report should: Set out all of the relevant issues and to assign the appropriate weighting to the issues raised; Strike an appropriate balance between concerns at local level and an overview of all relevant policies; Consistency in the interpretation of development plan

policies. Good development management needs a balanced and common sense approach and not adopting an over-rigid stance and by objective evaluation of the arguments presented for and against specific proposals.

- The applicants reference a number of precedents whereby submissions from TII were over ruled, two relating to one off rural dwellings in Westmeath and Kilkenny and the other relating to a rural timber enterprise.
- Correspondence from the author of the AA screening report has been submitted confirming that no outstanding issues or altered conclusions arise from reference to the relevant EPA Code of Practice, 1999.
- A number of planning precedents within Mayo permitted by the PA are referenced and include a 70 sq. m extension to a public house at Liscarney Westport, extension of a retail area associated with a co-op at Balla, an extension to an industrial building at Balla and an extension to an agricultural machinery facility at Ballinrobe, all accessed off National routes where the maximum speed limit applies.
- The wording used within the TII submission specifically references: Variance with National policy. This variance arises where the creation of any additional access arises or where increased traffic is generated from existing access points to National Roads. No additional access point is proposed, in fact two accesses would become one under the proposals. An increase in traffic in itself is not itself a barrier to development. The 2012 TII Guidelines do not prohibit development along national routes, but rather seek to balance development at variance with national policy in respect of control of frontage development on national routes.
- The proposals would be in accordance with the exceptional circumstances criteria as set out within the 2012 TII Guidelines.
- The safety improvements provided more than offset the minimal potential for increased traffic generated by the proposals.

## 6.2. Planning Authority Response

None received.

## 7.0 Assessment

7.1. At the time the Planning Authority made its planning decision on the 11th day of January 2022, the Mayo County Development Plan 2014 -2020 was in effect. However, the Mayo County Development Plan (MCDP) 2014-2020 has since been superseded by the Mayo County Development Plan (MCDP) 2022-2028, operational since the 10<sup>th</sup> day of August 2022. Therefore, this assessment will make reference to the policies and objectives of the MCDP 2022-2028.

7.2. The key issues in this appeal relate to traffic generated by the proposals and access to the appeal site from a national secondary route. Compliance with the Mayo County Development Plan and wastewater treatment will also be assessed. Environmental Impact Assessment and Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The key issues can be dealt with under the following headings:

- Principle of development
- Access and traffic
- Wastewater Treatment
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment.

### 7.3. Principle of Development

7.3.1. The applicant is seeking planning permission to extend an established public house premises which is located within a rural area, approximately two kilometres south of Ballintubber Crossroads. 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. There are also smaller tier 4 and tier 5 Rural settlements and Rural villages. Ballintubber is not identified as being one of the Rural Villages or settlements specifically designated within Volume 3 of the Mayo County Development Plan (MCDP) 2022-2028. 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.

- 7.3.2. A first party appeal submission on behalf of the applicant has been submitted. This detailed report is supportive of the need to carry out the proposed works. This report sets out that there is an existing established public house commercial premises on site, albeit that the business is currently not trading. The proposals relate to the development of a substantial 187 sq. m. extension to the side and rear of the existing public house premises which has a floor area of 158 sq. m. This would increase the gross and net floor area of the commercial premises by approximately 118% and 39% respectively (not including the courtyard seating area). A change of use of a storage building to the rear (54 sq. m) to storage space is also proposed. The applicant references a modest increase in floor area and a resultant modest increase in the level of traffic within their planning documentation. The applicant also referenced a number of planning precedents where permissions have been granted for extension to commercial premises with access off national routes, even though TII would have made submissions recommending a refusal of planning permission in those particular instances.
- 7.3.3. Each planning appeal must be assessed on its individual merits. Rural economic development is provided for in principle within the current Mayo Development Plan and the proposal will be assessed against the merits of the Development Plans' policies and objectives. I note the precedents referenced by the applicants and I consider that some of them are not relevant as they are not comparable as they relate to the development of one off dwellings, not a comparable type of development and others relate to developments within a settlement boundary or in close proximity to a settlement boundary. Again, that is not the case in this instance. Skehanagh, Ballintubber is a rural unserviced location outside of any designated settlement centre as designated within the current Development Plan. Therefore, I consider that this appeal will be assessed against the issues raised within the appeal submission which are largely focussed on the two reasons for refusal as set out by

the Planning Authority. Therefore, access, traffic and wastewater treatment will form the main basis of my assessment.

- 7.3.4. Accordingly, on the basis of the foregoing, I am satisfied that the principle of the commercial development is established on site. The main issue at stake is the scale of the proposed commercial extension and its acceptability will be dependent on the issues in relation to traffic, access and wastewater being satisfactorily addressed. These issues will be addressed in the assessment below.

#### **7.4. Access and traffic**

- 7.4.1. Access to the appeal site is directly onto the N84, National Secondary Route, which is single carriageway at a point where the 100 kilometre per hour speed control zone applies. The applicant has submitted details of sightlines, whereby unobstructed sightline visibility in excess of 215 metres in each direction would be achieved from the access point.
- 7.4.2. The applicants submitted a Traffic Assessment Report (TAR) prepared by NRB Consultant Engineers and a Road Safety Audit prepared by Traffico Road Safety Engineers as part of their appeal submission. The TAR included details of traffic surveys undertaken during January 2022 and was undertaken in accordance with TII's Traffic and Transportation Assessment Guidelines. The TAR sets out that the adjoining road network has more than adequate capacity to cater for the worst case traffic scenario associated with the proposals. The TRICS database was used as part of the assessment. The TAR states that the proposals will result in a very significant improvement in the established traffic safety conditions, through the removal of the established open frontage parking. Parking at the site presently comprises open uncontrolled parking with drive in and reverse out or reverse in and drive out manoeuvres directly to the N84 occurring at the commercial premises. The removal of the road frontage parking and replacement with a priority access junction would represent an improvement in operational traffic safety conditions.
- 7.4.3. The traffic survey results show that the AM peak hour two way flow on the N84 is 386 PCU's and weekday pm Peak hour two way flow is 458 PCU's. Traffic flows on the N84 are considered low by national standards, as national roads of this nature have a theoretical free flow link capacity of between 3,000 and 3,600 2 way PCU;s per hour. The TRICS assessment carried out used TII guidance in the form of

Project Appraisal Guidelines for National Road, Unit 5.3, and including traffic growth factors for future year assessments which confirmed that the absolute worst case traffic increase on the adjacent road junction are >5% threshold level which sets out that the worst case traffic increase would be below the 5% threshold, above which further assessment would be warranted. The assessment concludes that the proposed N84 access junction to/from the appeal site is of adequate capacity to accommodate the worst case traffic associated with the proposals during the selected year of opening and the design year 15 years subsequent to opening.

- 7.4.4. The Traffic Consultants state that following a perusal of the Road Safety Authority website, there is only a record of one minor road collision in proximity to the appeal site, back in 2012. They set out that minimum sightlines of 215 metres are achievable at the proposed entrance point. From a perusal of Drawing number SL (90) 05-Proposed Site Layout Access Visibility Requirements, it is apparent that the sightline visibility in a northerly direction is obstructed by the southern gable wall of the existing public house premises and that the sightlines in a southerly direction traverse third party lands. It is also unclear from the planning documentation submitted what the x-distance (set-back) distance is from the edge of the carriageway and where the sight distances were measured from.
- 7.4.5. The car parking layout on site is designed to cater for 40 cars. No alterations are proposed to the external road network beyond the appeal site boundary. The car parking layout as proposed would provide for a rationalisation of the current informal parking arrangement on site.
- 7.4.6. The Traffic Consultants submitted an analysis of development on the capacity of the junction of the N84 with the private roadway. The PICADY traffic modelling software was used as part of this analysis and concluded that the junction of the N84 and the appeal site is located on a section of the N84 that was realigned in 2016, and that there is adequate capacity at the junction in terms of traffic capacity and that no queueing would arise at the junction arising from the development. The applicant states that she used the Traffic Generation calculations using the public house/restaurant category from TRICS V7.8.4. TII in the calculation of projected traffic volumes, TII in their referral response to the Planning Authority set out the following: The proposal, if approved would create an adverse impact on the national

where the maximum speed limit applies and would, in the Authority's opinion, be at variance with the foregoing national in relation to the control of frontage development on national roads. The policy of the Planning Authority is set out within specific policy MTP 24 is: To avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads. This provision applies to all categories of development.

- 7.4.7. The results of the traffic counts provided within the TAR show traffic levels along the N84, particularly cars and HGV's increases between the earlier quartile within the am peak to the latter quartile within the am peak. A similar trend was also observed within the pm peak period with the latter quartile experiencing the highest traffic volumes. The PICADY modelling concludes that the junction of the N84 with the appeal site has adequate capacity to cater for the traffic associated with the commercial development.
- 7.4.8. I note that the development proposals would generate additional vehicular movements at the junction of the N84 with the appeal site as per the traffic data submitted. The development would intensify the level of traffic that would be generated at the junction of the appeal site with the N84. The increase in trips would largely be generated by the day-to-day activities within the public house and its associated restaurant facilities. Calculations of the increased traffic have been submitted based on TII guidance. The TAR sets out that the development would generate a modest number of trips and turning movements. However, the traffic analysis (traffic surveys completed during January, the off peak tourist season) does not take account of trips generated specifically by increased tourist traffic during the peak tourist season or service providers (deliveries by food and drink businesses). I also note that there is no specific reference to stopping distances provided, where vehicles turning into the appeal site traversing in a northerly direction (towards Castlebar) could be at risk of being rear ended if turning into the appeal site. Therefore, although significant data has been provided by the applicants in terms of trip generation using TRICS database and PICADY modelling and rationalisation of traffic and parking within the site boundaries would arise, however, it is regrettable that no analysis/details of stopping distances have been submitted. I note that the N84 is a relatively lowly trafficked route in national road terms, however this matter



(stopping distances) should have been referenced and analysed by the applicants given that the road does cater for an average of between 3,330-and 3,600 two way traffic movements per hour. Transport Infrastructure Ireland (TII) 2012 Guidelines reference the need: To maintain the strategic function and to protect, maintain and ensure the safety of this finite and critical network resource. Managing the extent of direct accesses to national routes and the turning movements associated with these accesses is critical in terms of adhering to TII's policy in terms of maintaining and the strategic function of these routes. The strategic nature of these routes is highlighted in the statistics which set out that National primary and secondary routes carry 46% of all road traffic in Ireland and 50% of those travelling by public transport.

7.4.9. Section 6.4.2.1 of the current Mayo Development Plan sets out specific policies and objectives seeks to ensure the protection of the safety, carrying capacity and efficiency of the existing and future national road networks, including the N84. In addition, future schemes are safeguarded whilst also making provision to encourage sustainable compact forms of development which will have minimal impact on the carrying capacity, efficiency and safety of the national road network. Specific policies MTP 23 and 24 and specific objective MTO 23 within the Development Plan are relevant in this regard. These policy objectives seek to preserve and protect the strategic function of National routes. I acknowledge that the proposals would rationalise the traffic situation on site in terms of consolidating a single access point and the removal of parking along the road frontage. However, on balance, I consider that the scale of the current proposals whereby the gross and net floor areas of the commercial premises would increase by approximately 118% and 39% respectively (not including the courtyard seating area), the introduction of new internal and covered external dining facilities within the extended public house premises, these proposals would potentially undermine the strategic function of the N84 which was realigned in the recent past and this investment should not in any way be compromised.

7.4.10. I note that Transport Infrastructure Ireland stated that the development should be refused permission on the basis that it would be: At variance with the provisions of the Spatial Planning and National Roads Guidelines, Section 2.5, that the development will result in the generation of increased traffic from the commercial

premises onto a national road to which a speed limit of 100km/h applies. Therefore, permitting the intensification of an access onto a National secondary route would not be strictly in adherence with policy.

- 7.4.11. National Strategic Outcome Number 2 of the National Planning Framework sets out that: There is a requirement to ensure adequate maintenance of the national road network in order to protect the value of previous investments, and that such investments are not jeopardised. The proposals would also potentially compromise the achievement of this particular NSO.
- 7.4.12. In conclusion, notwithstanding the applicant has submitted proposals for the improvement and rationalisation of the access and parking on site, however, the applicant has not presented any exceptional circumstances that would justify a departure from the policy as required under MTO 22 in the current Development Plan and/or as set out by TII in terms of road safety considerations. It is considered the development proposals would establish an undesirable precedent, would endanger public safety by reason of a traffic hazard by virtue of the additional vehicular traffic that they would generate, including turning movements onto the N84 secondary route at a point where the 100 kilometre per hour speed control limit applies, outside of any designated settlement boundary and, would therefore, interfere with the safety and free flow of traffic along this strategic national route.

## 7.5. **Wastewater Treatment**

- 7.5.1. The applicant's revised Site Characterisation Report submitted as part of the first party appeal submission identifies that the appeal site overlies a locally Important Aquifer where the bedrock vulnerability is classified as "Extreme". A Ground Protection Response of R2<sup>1</sup> is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to satisfactory trial hole and percolation data) and subject to condition (1) 'that there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) 'a secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter)'. The applicant's

Site Characterisation Report identifies that there is a Groundwater Protection Scheme in the area.

- 7.5.2. The trial hole depth referenced in the Site Characterisation Report (SCR) was dug to a depth of 2.4 metres. No water nor bedrock was observed in the trial hole. The soil conditions found in the trial hole were stated as comprising silt clay to a depth of 0.6 metres and gravelly sand/silt clay from 0.7 metres to 2.4 metres. Percolation test holes were dug and pre-soaked. T and P values of 39.33 and 12.22 were recorded. Based on the results submitted within the SCR, I consider that the site is suitable for a secondary treatment system, discharging to groundwater.
- 7.5.3. The revised Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water, it is proposed to install a Tertiary waste water treatment system (17 PE Secondary Waste Water Treatment unit) and infiltration treatment area polishing filter (33 square metres).
- 7.5.4. In conclusion, I consider that that the wastewater proposals are acceptable and would accord with the specific objective INO8, as set out within the current MCDP and demonstrated compliance with the EPA, Code of Practice, for small communities, Business, Leisure Centres and Hotels 1999, and that all separation distances in accordance with the EPA standards are achievable.

## 7.6. **Other Issues**

### Flooding:

- 7.6.1. The OPW are the competent authority on flooding matters in Ireland. I have reviewed the most up to date data available on flodinfo.ie and there is no record of flood events having occurred within the bounds of the appeal site, nor within its vicinity. Therefore, I am satisfied that the proposals would not increase the risk of flooding within the appeal site nor on lands within the vicinity of the appeal site.

## 7.7. **Appropriate Assessment**

- 7.7.1. The nearest Natura 2000 sites to the appeal site is the Lough Carra/Mask Complex SAC (site code 001774) and the Lough Carra SPA which are located approximately 0.9 and 1.1 kilometres east of the appeal site. The applicant submitted an AA screening report as part of their planning documentation. I am satisfied that adequate information is provided in respect of the baseline conditions, potential

impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted report is considered sufficient to allow me to undertake a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans or projects on European sites. The Screening report concluded that: The development is unlikely to present a discernible impact on the integrity of the SAC and SPA (site codes 001774 and 004062) or indeed on any of the other sites listed as being within 15km of the development lands, this represents a finding of No Significant Effects (FONSE). I would concur with the findings of the screening report.

- 7.7.2. There is no surface water hydrological pathway linking the appeal site to this European site. Having regard to the nature and scale of the proposed development and the separation distance from the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

I recommend that planning permission be refused for the following reasons:

## **9.0 Reasons and Considerations**

- 1 It is considered that the proposed development, which would result in an intensification of use of a private roadway onto the National Secondary Road, N84, at a point where the speed limit of 100 kilometre per hour speed control zone applies, would endanger public safety by reason of a traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.
- 2 The proposed development would be contrary to specific policies MTP 23 and MTP 24 and specific objective MTO 22 of the Mayo County Development Plan 2022-2028 which seek to protect and preserve the strategic function of national routes. The proposals would undermine the achievement of these

policy objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Fergal Ó Bric

Planning Inspectorate

31st day of May 2023