



An
Bord
Pleanála

Inspector's Report

ABP-312966-22

Development	Permission for construction of dwelling, packaged wastewater treatment system and polishing filter and all associated site works.
Location	Roemore, Breaffy, Castlebar, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21/1292
Applicant(s)	Lance and Helen Flannelly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Grant
Appellant(s)	Lance and Helen Flannelly
Observer(s)	None
Date of Site Inspection	19th day of October 2022
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the rural townland of Roemore, north-east of the Rural settlement of Breaffy, in central County Mayo. The site is located approximately five kilometres south-east of Castlebar and approximately 22 kilometres north-west of Claremorris. Breaffy is a rural settlement based around a nucleus of dwellings, a school, a church, two public houses and a local shop, a hotel and a GAA complex and is located along the N60, the main route linking Castlebar with Claremorris.
- 1.2 The site itself has a stated area of 0.304 hectares, is rectangular in shape and comprises an agricultural field. The site levels fall gradually from northwest to southeast within the appeal site towards the public road. The adjoining public roadway is a cul-de-sac on the northern side of the N60 and has a carriageway width of approximately 5 metres. There is a hedgerow along the southern, northern and eastern (roadside) site boundaries and open to the field along the western site boundary. The public road is located to the south-east of the appeal site, a row of two storey dwelling units to the north-east, and a number of dwellings to the east and south east as well as a housing scheme, known as Roemore Village. There is undeveloped agricultural lands to the northwest, west and south of the appeal site as well as an agricultural structure south-west of the appeal site. 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:

Construction of a detached dwelling house and garage, packaged wastewater treatment system and polishing filter and all associated site works. The single storey dwelling house has a stated floor area of two hundred and fifty nine square metres with a maximum ridge height of 5.8 metres, External finishes include blue/black roof slates/tiles, painted render finish and natural stone.

- 2.2 Access to the site would be from the adjoining public road, the L5783-0, a cul-de-sac off the N60, National secondary route. 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 watermains.
- 2.3 The planning application was accompanied by a Site Characterisation Report (SCR) and generic details of a Solido packaged wastewater treatment system.
- 2.4 The Planning Officer screened the development for Appropriate Assessment (AA) and concluded that the development either alone or in combination with others plans or projects, would not result in significant adverse impacts on habitats or species within any Natura 2000 site.
- 2.5 A letter of consent from the land owner, Mr William Burke has been submitted, consenting to the applicants making a planning application on his land.

3.0 Planning Authority Decision

3.1 Decision

Planning permission was refused by the Planning Authority for three reasons as follows:

1: The proposed development, taken in conjunction with the existing development in the area would, if permitted, exacerbate the existing pattern of ribbon development in the area, would compound an undesirable pattern of sub-urban type development in this rural area, would be inappropriate and would alter significantly the rural character of the area, would contravene materially objective HG 04 (Vol 1) and Development Management standard 4.1 (Vol 2) in respect of ribbon development contained in the Mayo County Development Plan 2014-2020 (as extended) and would seriously injure the amenities or depreciate the value of property in the vicinity.

2: It is considered that, taken in conjunction with existing development in the area, the proposed development would result in an excessive concentration of

development served by waste water treatment units in the area. The proposed development would, therefore, be prejudicial to public health.

3: The proposed development is located in an area identified as being a Rural Area under strong Urban Influence for development as set out in the Mayo County Development Plan 2014-2020. Under Section 2.3.1 the Council may only permit permanent housing needs in such areas where the applicant has established that the proposals constitute a genuine rural generated housing need. In this regard, based on the information submitted in this application, the applicant has not established a genuine rural housing need at this location in accordance with the provisions of Section 2.3.1. It is considered that the proposed development, if permitted, would constitute haphazard development in a rural area, would militate against the preservation of the rural environment, would lead to demands for the uneconomic provision of public services and communal facilities, would contribute to the erosion of the visual and environmental amenity of the area, would interfere with the character of the landscape at this location which it is necessary to preserve. Therefore, the proposed development would materially contravene the rural housing policies and objectives of the Mayo County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Reports

The Planning Officers report dated the 8th day of February 2022 set out the following:

- The site is located in a rural area.
- The area is designated as being under strong urban influence within the Mayo County Development Plan (MCDP) 2014-2020 where an applicant is required to demonstrate a genuine rural generated housing need based on their ties/links to an area.
- The Planning Officer was not satisfied that the development would not exacerbate the pattern of ribbon development, would not be prejudicial to

public health and would materially contravene the rural housing policies and objectives as set out within the Mayo County Development Plan (MCDP) 2014-2020.

- A refusal of planning permission was recommended, in accordance with the reasons as set out in Section 3.1 above.

3.3 Other Technical Report(s).

Water Services: No objections.

3.4 Prescribed Bodies

None received.

3.5 Third Party Observations

None received.

4.0 Planning History

Planning Authority reference 21/758-In 2021, the current applicant (Lance Flannelly) sought planning permission for a dwelling, treatment system and associated site works. Planning permission was refused for three reasons relating to ribbon development, excessive concentration of individual treatment systems in a limited area and failure to demonstrate compliance with the Rural Housing Policy of the PA.

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 10th day of February 2022, the Mayo County Development Plan (MCDP) 2014-2020 was the operational plan. The MCDP has since been superseded by the Mayo County Development Plan (MCDP) 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 thirty 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 identified as being within a Rural Area under 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 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 1: To facilitate single houses in the countryside. However, in Rural Areas under Urban Influence applicants will be required to demonstrate a social or economic link to the area in which they wish to build. An economic need would include applicants having a genuine housing need and whose future or current employment is in close proximity to the primary residence they propose to build. Local rural area includes, but is not limited to Parish, District Electoral Division and Townlands. A genuine housing need includes, but is not limited to:

1. Farmers, their sons and daughters, close relations or any persons taking over the running of a farm in the area in which they propose to live.
2. Sons, daughters or other relations of non-farming persons who have spent a period of their lives living in the general rural area in which they propose to build a home.
3. Returning immigrants who spent a period of their lives living in the rural area in which propose to build and now wish to return to reside close or convenient to family members or guardians to care for or support them or work locally or to retire.
4. Persons involved in farming activity including equine enterprise, or persons employed or are intending to take up employment in any other local service, enterprise or profession.
5. Persons whose health circumstances require them to live in a particular environment or close to family support. Applicants qualifying under this category of housing need are required to demonstrate byway of medical deceneration why this is preferable.
6. Where permission has been granted for a rural housing proposal in an area deemed to be under urban pressure an occupancy condition may be imposed under section 47 of the Planning and Development Act 2000.

An occupancy clause shall not be applied to any successful application outside of areas deemed to be under urban pressure.

The Residency Condition shall not affect the sale of the house or site by a mortgagee in possession or by any person deriving title from such a sale where force majeure applies, for example, death, illness, relationship break up, emigration, unemployment, relocation due to work issues which would necessitate a new primary place of residence

Chapter 10: Natural Environment

Map 10.1 identifies the appeal site as being within Policy Area 4-Drumlins and inlands lowlands.

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 2.2 kilometres east of the appeal site.

The Lough Beg, Carrowmore pNHA (site code 001528) is located approximately 8.8 kilometres south-east of the appeal site.

5.6 Environmental Impact Assessment-Screening

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 first party appeal against the Planning Authority's decision to grant planning permission was received. The key issues raised within the applicants' submission relate to the following:

National and Local Planning Policy:

- National, regional and local policy support rural development, subject to a degree of control. These controls have been applied by the PA in an over-rigid and inconsistent fashion in this instance.
- The planning decision promotes and interpretation of ribbon development which is inappropriate and inconsistent with the spirit of the Sustainable Rural Housing Guidelines.
- The Planning Authority (PA) have disregarded the EPA Code of Practice in promoting arbitrary interpretation on the issue of concentration of wastewater treatment plants.

Principle of Development

- Roemore village extends further than the housing to the south-east of the development site.
- Planning permission has been granted for other one off rural dwellings in this area, specifically under reference number 20/325.
- The pattern of development in the area is due to a long standing and continuing approach by the Planning Authority to rural housing which has resulted in the granting of permission for a considerable number of dwellings in Roemore and the Breaffy area in general.
- The PA should acknowledge that a cluster exists in Roemore and that repeated planning decisions have been made for its expansion and consolidation.
- The planning decision seems to have been made in the absence of consideration of the pattern of decisions by the PA in the area in recent years.
- That pattern should inform the approach to decision making by the PA if the principles of consistency and fairness are to be upheld.

- The applicants reference a number of planning precedents relating to one off dwellings permitted by the PA to persons where the family home was similarly located within a built up area of the town. The specific planning references are 16/682, 16/749, 16/1021, 17/818 and 18/220,
- The circumstances in this particular instance appear to be similar to those cases permitted and referenced above.
- The Board is requested to overturn the refusal reason relating to local housing need on the basis of precedent and consistency and the applicants' circumstances being in compliance with the MCDP.

Services:

- The applicant submitted comprehensive and definitive details in relation to the issue of wastewater and the concentration of treatment systems in the area.
- The applicant demonstrated that the concentration of individual treatment systems is within the threshold identified as being acceptable by the Environmental Protection Agency (EPA).
- The planner's assessment relies on an unsubstantiated position irrespective of the advice provided within the national Code of Practice (CoP). To disregard the CoP without adequate justification, context or support from planning policy is inappropriate and therefore, this reason for refusal should be removed.
- The issue of concentration of treatment plants has not prevented a grant of permission for other nearby dwellings.

Other Issues:

- The Planning Authority have not been consistent in their assessment of rural dwelling proposals in Breaffy where applicants' circumstances were similar to those of the current applicants.

- The test should not be whether the development would fall within an arbitrary measurement of a certain number of dwellings within a certain linear distance,
- The test should be based on a balanced and reasonable approach, whether there would be any demonstrable harm or impact caused by the development of an additional dwelling in the area. The Planning Authority have failed to identify any harm or impact arising.
- A qualitative approach rather than a quantitative approach should be applied, where there has been no regard to the de facto cluster or hamlet of Roemore.
- A qualitative approach would conclude that the proposal is consistent with the approach as set out within the sustainable Rural Housing Guidelines.

6.2 Planning Authority Response

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

7.0 Assessment

7.1 The Mayo County Development Plan (MCDP) 2014-2020 has recently been superseded by the Mayo County Development Plan (MCDP) 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 The key issues in this appeal relate to the issues raised in the grounds of the appeal and include ribbon development, site servicing and compliance with Rural Housing Policy. Appropriate Assessment requirements are also considered. I consider that the issue of access and sightlines should also be addressed. I am satisfied that no other substantial planning issues arise. The key issues can be dealt with under the following headings:

- Ribbon Development
- Site servicing

- Rural Housing Policy.
- Access and sightlines
- Appropriate Assessment.

7.3 Ribbon Development

7.3.1 The first reason for refusal set out by the Planning Authority relates to the issue of ribbon development. The Planning Authority set out that the proposed development when taken in conjunction with existing development in the area would compound the undesirable pattern of sub-urban type development and contravene objective e HG04 and Standard 4.1 of the Development Plan in respect of ribbon development.

7.3.2 I note that Roemore is an area that has experienced development pressure, given there are approximately twenty nine dwellings within a 250 metre radius of the appeal site. There is a row of eight dwelling houses located immediately north-east of the appeal site over a distance of approximately 220 metres. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as: Where 5 or more houses exist on any one side of a given 250 metres of road frontage.

7.3.3 From the planning documentation submitted, specifically, the site location map, it is apparent that the current proposals would fall within the definition of ribbon development as set out in the Guidelines. I consider that the development would contribute to the provision of random rural housing in an area that has experienced significant development pressure, would exacerbate the pattern of ribbon development within this rural area outside of the designated village of Breaffy, where consolidation of development is encouraged as per specific policy SSP5 within the current Mayo Development Plan. Roemore is not identified as either a Rural Village or Settlement within the current Development Plan and therefore, its consolidation and development is not specified as an objective within the Plan.

7.3.4 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 IV and V of the current MCDP and include Breaffy. The appeal site is located approximately five hundred metres removed from the designated rural village consolidation zone of Breaffy, and therefore, would not contribute towards the consolidation of the Rural village.

7.3.5 In conclusion, I would concur with the Planning Authority that the development would contribute to and exacerbate the pattern of ribbon development in the area. The development comes under the definition of ribbon development as per the SRHG;s and therefore, would not be in accordance with the proper planning and sustainable development of the area.

7.4 **Site Servicing**

7.4.1 The applicant's Site Characterisation Report identifies that the appeal site overlies a Regionally Important Aquifer where the bedrock vulnerability is classified as "High". A Ground Protection Response of R2 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) 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.

7.4.2 The trial hole depth referenced in the Site Characterisation Report (SCR) was 1.8 metres. It is acknowledged within the SCR that bedrock was encountered within the trial hole at 1.8 metres. No water was observed in the trial hole. The soil conditions found in the trial hole were stated as comprising clayey silt with

a number of cobbles and boulders with light brown firm soils. Percolation test holes were dug and pre-soaked. A T value of 8.81 was recorded. A P test was carried out and a P value of 8.92 was recorded. The EPA CoP 2009 (Table 6.3) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater.

- 7.4.3 The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water, it is proposed to install a packaged waste water treatment system (and polishing filter (30 linear metres)).
- 7.4.4 The Planning Officer noted the site is underlain by a regionally important aquifer with a high vulnerability rating and that the density of treatment systems in the area is 1.7 per hectare. The EPA Code of Practice allows for a density of up to six treatment systems per hectare. The Planner noted the slow percolation characteristics of the soils as noted within the t and p values, together with the high vulnerability rating of the aquifer and the karstified nature of the aquifer that there is a possibility that the aquifer could be adversely impacted upon, given the high concentration of individual treatment systems in this area where there is no public sewer network available.
- 7.4.5 I note that bedrock was encountered at a depth of 1.8 metres as per the site characterisation Report (SCR). I note that the SCR does not specifically reference the existence of bedrock within the appeal site, either as an outcrop or within the subsoils. Therefore, it is apparent that there are anomalies within the site in terms of the site characteristics. Given the existence of bedrock within the subsoils and the fact that the appeal site overlies a regionally important aquifer where groundwater vulnerability is designated as “high,” I consider that that there is potential for untreated or partially treated waste to percolate through the free draining soils at an excessive speed and to adversely impact water quality within the highly vulnerable aquifer. Notwithstanding that the development may come within the density of individual treatment systems permissible within a particular hectare of land as defined within the EPA, I would note the potential cumulative impact of the

foul waste generated by the current proposal in tandem with the foul waste generated by the concentration of neighbouring individual treatment systems could adversely impact upon groundwater quality. No groundwater qualitative analysis has been submitted in this instance to assess any potential cumulative impacts. Therefore, on balance, I am of the opinion that the second reason for refusal as set out by the Planning Authority should be upheld.

7.5 Rural Housing Policy

- 7.5.1 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.
- 7.5.2 The subject site is located in an area designated as being 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 areas under strong urban influence, 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.
- 7.5.3 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 four and tier 5 Rural settlements and Rural villages. Breaffy is identified as being one of the designated Rural Villages within Volume 3 of the current MCDP. The appeal site is located approximately five hundred metres north east of and outside of the consolidation zone for Breaffy, 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.

7.5.4 As part of the planning documentation the applicants (Lance Flannelly) has provided some information in terms of the applicants ties and connections to the area. However, from the planning documentation submitted, it is stated that the applicant (Lance Flannelly) resides approximately five kilometres from the appeal site, at Islandeady, Castlebar, having previously lived at Belavary. Both Islandeady and Belavary are designated as tier five and tier four settlements within the current MCDP. From the planning documentation submitted, it is unclear whether his current place of residence is within the consolidated village boundary of Islandeady or not. The Rural Housing Policy permits rural housing to sons or daughters of people from the general rural area, which is defined (but not limited to) in the plan as being in the same parish, townland or District electoral division. I consider that the applicants have failed to demonstrate a social or economic need to reside in Roemore as required under RHO1 within the current MCDP.

7.5.5 No other documentation has been submitted linking the applicants to either Belavary or Islandeady nor is it clear how long the male applicant has resided in either location. It is stated that Lance Flannelly is employed by EPS, an environmental company who specialise in providing water and wastewater systems and that Lance works from home for much of the time. It is unclear how the applicant's employment would necessitate him to specifically reside at Roemore, given correspondence from his employers set out that his employment relates to many urban and rural areas throughout County Mayo. The applicants have failed to outline their intrinsic ties to the local Roemore area, it is not considered that they have outlined 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 Breaffy, as alternatives to encouraging rural housing in the open countryside.

7.5.6 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.

7.6 Access and traffic

7.6.1 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 90 metres in both directions from the entrance point would be achieved. I note that the 90 metre sight line in a south-westerly direction does not encompass the line of sight for both sides of the carriageway. It is unclear if the sightlines are measured from a 3 metre x-distance (set back) from the edge of the public carriageway. It is apparent that the sightlines in a south-westerly direction are restricted due to the existence of an access laneway to an agricultural shed and by the front boundary hedgerow of the adjoining agricultural field.

7.6.2 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.

- 7.6.3 I note that 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 south-west of the appeal site. A portion of the sightline, particularly in a south-westerly 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 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.
- 7.6.4 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.
- 7.6.5 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.

7.6 ***Appropriate Assessment***

7.7.1 The River Moy SAC (site code 002298) is located approximately 2.2 kilometres east of the appeal site. There is no surface water hydrological pathway linking the appeal site to the European site. Having regard to the nature of the development and the separation distance from Natura 2000 site, I consider that the telecommunications development either alone, or, in combination with other plans or projects, would not be likely to adversely impact on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

8.0 Recommendation

I recommend that planning permission be refused.

9.0 Reasons and Considerations

- 1 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.
- 2 The subject site is located within an area designated "Under strong Urban Influence" as identified in the Mayo County Development Plan 2022-2028. Furthermore, the site is located in an area that is designated as an Area under Strong Urban Influence 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 Having regard to the existence of rock outcrops at/close to the surface within the appeal site, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and/or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
- 4 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 south-westerly direction and have not been demonstrated in accordance with the Mayo County Development Plan standards.

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 these new issue.

Fergal O'Bric

Planning Inspectorate

31st day of January 2023