



An
Bord
Pleanála

Inspector's Report

ABP-313116-22

Development	Outline permission for single storey dwelling house and shed
Location	Cuing beg, Pontoon, Co Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	211379
Applicant(s)	Martin Bourke
Type of Application	Outline permission.
Planning Authority Decision	Refuse Outline Permission
Type of Appeal	First Party
Appellant(s)	Martin Bourke.
Observer(s)	None.
Date of Site Inspection	8 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal refers to a site of 1.472 hectares located within the townland of Cuinbeg on the eastern side of Lough Conn, in Co Mayo. The site is circa 4km to the northwest of Foxford and is accessed off the R310 regional route which runs along the eastern shores of Lough Conn. The appeal site is heavily vegetated and overgrown particularly to the north and west and incorporates a pronounced slope to the west with levels ranging from 12.4m on the public road approximately centrally along the road frontage dropping below road level initially within the site to 11.6m and then rising to 21.8m towards the north-western extremity of the appeal site.
- 1.2. The eastern part of the site is low lying currently under grass and is visibly wet whilst the western more elevated part of the site is heavily overgrown with rock outcropping apparent. The appeal site incorporates circa 152m of site frontage onto the Regional Road R310 which is marked by a continuous white line along the entire frontage. Overhead ESB power lines traverse the western part of the site north south. An elevated rocky outcrop forms a backdrop to the west of the site. As regards settlement the nearest established dwelling is located on an acute bend on the opposite side of the R310 circa 40m to the northeast of the appeal site.

2.0 Proposed Development

- 2.1. The application involves outline permission for a single storey dwellinghouse and shed. The siting of the proposed dwelling is towards the north-western part of the site at a setback of circa 110m from the road front. The entrance is proposed circa midway along the road frontage.
- 2.2. I note that the site layout plan suggests an alternative entrance from an existing private roadway owned by a family member to the south of the appeal site which is further referenced as a possible alternative within the first party appeal submission. I note that this entrance and access proposal is outside the redline boundary of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

By order dated 23 February 2022 Mayo County Council issued notification of the decision to refuse permission for the following reasons:

- 1. The proposed development includes a new access directly onto the R310 a Strategically Important Regional Road, which would contravene materially the development objectives of the Mayo County Development Plan 2014-2020, in that any development along Strategically Important Regional Road will be restricted, where 'in order to protect existing and future capital investment in and the safety and carrying capacity of Strategically Important Regional Roads, development along such roads will be restricted outside the 60km/hr speed limits except: where such proposals, subject to a Road Safety Audit (see traffic assessments in Section 16.2 below) can demonstrate that they do not interfere with the traffic safety of the Strategically Important Regional Road and comply with the categories listed hereunder: outside the 60km/h speed limit zone of towns and villages,' the applicant has not demonstrated compliances with the categories of exception. Therefore, the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.*
- 2. The proposed development is located on an elevated and visually prominent site and located in an area identified as being a scenic area as set out in the Mayo County Development Plan 2014-2020. Under Section 2.3.4 where it is stated, as an objective of Mayo County Council that areas along the sea, estuaries and lakeshore lines shall be referred to as scenic areas and that scenic views in those areas are protected as much as possible, and only permission for replacement housing extensions or where a farmer has no other land except in those areas will be allowed. It is considered that the proposed development would interfere with the scenic views at this location and therefore would be contrary to the proper planning and sustainable development of the area. 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. *It is considered that the proposed development by reason of the construction of a substantial internal driveway (>120metres) to access the proposed house location in a scenic rural open and exposed elevated landscape, would result in a haphazard disorderly development, and would also be an obtrusive feature in a scenic rural landscape. Accordingly, to grant the development, as proposed, would seriously injure the residential amenities and depreciate value of properties in the vicinity, would set an undesirable precedent for similar type of development and would be contrary to the proper planning and sustainable development of the area.*

4. *Having regard to;*

The absence of subsurface value

The presence of a high water mark also evident within the test hole,

The soft and boggy nature of the proposed site

The vegetation on site (covered partly by rushes, etc).

Outcrop

It is considered that the site cannot be drained satisfactorily, notwithstanding the proposed use of a packaged wastewater treatment system. Mayo County Council has serious concerns about the attenuation (retention time) and safe disposal of domestic effluent on site. The proposed development would if permitted be prejudicial to public health and would pose an unacceptable risk to surface waters, would adversely affect the integrity and conservation objectives of designated European sites for protected flora and fauna, and therefore, would be contrary to the proper planning and sustainable development of the area.

5. *The application site (northern boundary) is partly located within the River Moy Special Area of Conservation (SAC site code: 002298), which contains natural habitat types in Annex I of the EU Habitats Directive. Notwithstanding the Appropriate Assessment Screening Report submitted to date and having regard to:*

Proposed sites partial location (northern boundary) within the River Moy Special area of conservation.

The nature of the proposed project

Soil conditions on proposed site

And the ecological nature of the SAC with associated conservation objective(s) and vulnerabilities, in conjunction with the distance and connectivity between the application site and the Natura 2000 site,

It is considered that the development proposed would contravene materially development objective NH-03 of Volume 1 of the Mayo County Development Plan 2014-2020. Having regard to the requirements of Article 6(3) and 6(4) of the Habitats Directive, which sets out the decision making tests for plans and policies likely to affect European sites (Annex 1 Habitats) and Annex II (Species) and establishes the requirement for an Appropriate assessment and the obligation of the Planning Authority, as competent authority, to carry out screening for appropriate assessment (Stage 1) or a full appropriate assessment (Stage 2) of development proposals, if required, under Part XAB of the Planning and Development Act 2000(as amended). It is considered, based on the information available, and the application of the precautionary principle, that significant negative effect on the integrity and conservation objectives on the European sites cannot be ruled out, as a result of the proposed project. Therefore, the development is likely to have a significant negative adverse impact on the qualifying criteria of the Natura 2000 sites, would contravene materially an objective contained in the current Mayo County Development Plan 2014-2020, and therefore would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes location within an area at flood risk pluvial however flood risk management section indicates no further assessment required. Poor drainage conditions on site were noted, with soft ground, rushes and rock outcrops.

Elevated and visually prominent site and the proposal which includes a substantial internal driveway would be visually obtrusive. Need for Appropriate Assessment cannot be screened out. Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

Area Engineers report outlines conditions which should apply in the event of permission.

Road design report recommends refusal on grounds of material contravention of development plan in respect of development along a Strategically Important Regional Road as shown in the Appendix 8 Core Strategy Conceptual Map. In the event of permission conditions outlined including removal and set back of roadside boundary.

Flood Risk Management Section – preliminary report indicates no further flood risk assessment required.

3.3. **Prescribed Bodies**

No submissions.

3.4. **Third Party Observations**

No submissions.

4.0 **Planning History**

No planning history on the appeal site.

5.0 Policy Context

5.1. Development Plan

I note that while the decision of Mayo County Council was made under The Mayo County Development Plan 2014-2020, whereas The Mayo County Development Plan 2022-2028, adopted on 29th June 2022 now refers.

The appeal site falls within a rural area under strong urban influence as depicted on Map 3.2.

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 decentration 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.”

The R310 Castlebar – Pontoon – Ballina is designated as a Strategically Important Regional Route.

Non National Roads Policies include:

MTP 28 “It is a policy of Mayo County Council, in relation to lands adjoining Strategically Important Regional Roads to which to which speed limits greater than 60 km/h apply, to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategically Important Regional Roads, unless it can be demonstrated that the development is required for economic or social reasons and cannot be accessed from a non-Strategically Important Regional Road.”

As regards Landscape designations I note from the Landscape Appraisal for County Mayo (Volume 3: Supporting Documentation to the Mayo County Development plan) the site is within Policy Area 3A Lakeland Sub-area. “*The environs of Lough Conn*

are often slopes and secondary ridgelines with limited shelter vegetation to the south and undulating areas of pasture woodland and forest with underlying glacial drumline to the north”.

Policy 18 Encourage only development that will not detract from scenic lake land vistas, as identified in the development plan, and visible from the public realm. Such development must not have a diminishing visual impact due to inappropriate location or scale.

Policy 19 Promote only development that will not penetrate distinct linear sections of shorelines when viewed from areas of the public realm.

Policy 20 Recognise the value of scenic lake land vistas, as identified in the development plan. Protect areas that have not been subject to recent or prior development by ensuring any new development can be absorbed by the surrounding landscape.”

Within the Mayo County Development Plan 2022-2028 Landscape Policy NEP14 to protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character.

The R310 is a designated scenic route with scenic views

“RHO 3 Housing applications along Mayo’s Scenic routes, will be considered where applicants can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area*
- Meets high standards in siting and design*
- Satisfies all other criterial with regard to, inter alia, servicing, public safety, and environmental considerations*
- Demonstrates enhancement to local landscape character and ecological connectivity*

Note: An occupancy clause will be attached to any grant of planning permission.”

RHO 4 *“Housing applications, within Mayo’s Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, will be considered where the applicants can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:*

- Does not impinge in any significant way on the character, integrity, and distinctiveness of the area*
- Cannot be considered at an alternative location*
- Meets high standards in siting and design*
- Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations*
- Demonstrates enhancement to local landscape character and ecological connectivity*

Note: An occupancy clause will be attached to any grant of planning permission.”

Landscape Objective

NEO 26 *“To consider applications for development, within Mayo’s Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, that can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:*

- Does not impinge in any significant way on the character, integrity, and distinctiveness of the area.*
- Cannot be considered at an alternative location.*
- Meets high standards in siting and design.*
- Contributes to and enhances local landscape character.*
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations. Rural housing applications along Coastal Areas and Lakeshores must comply with the requirements set out in Objective RHO 4 (Chapter 3).”*

5.2. Natural Heritage Designations

A portion of the northern part of the site falls within the designated area of the River Moy SAC. The Lough Conn and Lough Cullin SPA occurs within approximately 60m of the site.

5.3. EIA Screening

Having regard to the nature of the development comprising construction of a dwelling together with a proprietary wastewater treatment system and associated works it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Planning Workshop, Architecture Planning on behalf of the first party. Grounds of appeal are summarised as follows:

- Planning Authority failed to give thorough consideration to the application.
- Site and its specific context has the capacity for a carefully considered dwelling and ancillary access and wastewater treatment system.
- Applicant is the son of the farm holder.
- Alternative access is available as indicated on submitted drawings which was not considered by the Planning Authority. Appendix B an A1 drawing shows this entrance which achieves 120m sightlines in both directions. Option is within the family landholding and consent is forthcoming.
- This route has been in place historically and is largely invisible apart from turn.

- Regarding reason for refusal no 2 the general area indicated for the dwelling is within an elevated bowl which is almost entirely screened by naturally occurring rocky outcrops and vegetation. A single storey unit can be achieved here and screened with a minimum amount of native planting.
- 3D modelling and/ or photomontage could be provided at approval stage. This could be addressed by condition.
- Regarding reason 3 relating to visual impact of access, the alternative access is largely invisible. Original driveway proposed would route through the most open portion of land and mitigation measures would be required to integrate the driveway into its setting.
- Regarding reason Nos 4 and 5 during the digging phase of the trial hole heavy rainfall had taken place in the previous 24 hours. Following extraction of the soil / subsoil over bedrock it was substantially dry. It is highly likely that the water table witnessed in the trial is that of surface water run off collected. GSI mapping data confirms that the nature of the soil on site is of AminSW shallow well drained mineral soil. The calculations as outlined show that the probable concentrations of N and P in ground water resulting from the on-site wastewater treatment system that is included in the site proposals are significantly below the national aquifer trigger standards of 25mg/l N and 0.035mg/l P. Therefore, the emissions to water /soil from this development will not impact on the SAC.
- The site is within a catchment which includes the area drained by the River Moy draining 805sq.km and the site is marginally within the SAC. Surface water and ground water are not considered to be under pressure from abstraction, agriculture, anthropogenic activity, aquaculture, domestic wastewater or forestry.

6.2. Planning Authority Response

The Planning Authority did not respond the grounds of appeal.

7.0 Assessment

7.1 From my review of the file, all relevant documents, an inspection of the site and its environs, I consider that the main planning issues for consideration in the Board's assessment of the appeal may be considered under the following broad headings:

Principle of Development – Policy Context

Servicing - Wastewater Treatment

Appropriate Assessment Screening

7.3 Principle of Development – Policy Context

7.3.1 I note that the Local Authority considered the application under the previous Mayo County Development Plan 2014-2020 whereas this has now been superseded by the Mayo County Development Plan 2022-2028. On the issue of settlement policy, I note that the site is located within an area designated as a rural area under strong urban influence where development plan rural Housing Objective RHO1 requires the demonstration of a social / economic link and a housing need. I note that according to the submitted documentation, the applicant emigrated to America from this area in 1989 and now wishes to return permanently. His family home is located within approximately 400m of the appeal site and other family members also live locally. On this basis the applicant makes the case for compliance with Rural Housing Objective RHO1 *“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.”* I note that the Planning Authority did not question the applicant's local connection and the matter of housing need did not feature in the grounds for refusal. I would have some concerns given the location within an area under urban pressure and would question whether the applicant's housing need could be more appropriately met within a designated settlement.

7.3.2 As regards landscape designations the appeal site is located on a scenic route with designated scenic views where the development plan Rural Housing Objectives RHO3 and RHO 4 and landscape objectives NEO25 and NEO 26 require a demonstration that a proposed development “*does not impinge in any significant way on the character, integrity and distinctiveness of the area.*”

7.3.3 I note that the application and grounds of appeal assert that the proposed siting of the dwelling is in an area described as an elevated bowl which is screened by naturally occurring rocky outcrops and vegetation and a single storey dwellings as is proposed can be effectively screened from public view and harmoniously integrated into the protected view. Having considered the application and site context, I am inclined to concur with the Planning Authority that in light of the elevated and visually prominent character of the site and its currently undeveloped nature, the proposal including the provision of an elongated internal driveway would interrupt the integrity and distinctiveness of and result in an obtrusive feature in the landscape. I consider that the proposal would be contrary to the policies of the development plan and would set an undesirable precedent for similar such development and would be contrary to the proper planning and sustainable development of the area.

7.3.4 As regards Non National Road Policy MTP28 in relation to lands adjoining Strategically Important Regional Roads to which to which speed limits greater than 60 km/h apply, it seeks “*to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategically Important Regional Roads, unless it can be demonstrated that the development is required for economic or social reasons and cannot be accessed from a non-Strategically Important Regional Road*”. The proposal would contravene policy MTP26 and would be contrary to the proper planning and sustainable development of the area. As regards the alternative access proposal from the established roadway to the south, I note that this is outside the redline site boundary and cannot procedurally therefore be considered in the context of the current appeal.

In any case I would note concerns regarding any such proposal related to visual impact and precedent for further such development.

7.4 Servicing, Wastewater Treatment

- 7.4.1 As regards servicing it is proposed to connect to the local Sraheen Group Water Scheme and a letter of consent has been provided in this regard. On the matter of wastewater treatment, the site suitability assessment notes that the soils on the site consist of granite till overlaying a shallow overburden. There is a poor Aquifer. Bedrock is generally unproductive in local zones in an area with extreme vulnerability. An R2/1 groundwater protection response is required. The trial hole was excavated to 1.6m at which bedrock was encountered. Water was recorded in the trial hole 0.35m in depth with water seepage occurring at 0.4m below ground level. Soil/ Subsoil is classified as light clay 3 threads, 110-120mm ribbons. A P value of 30 was recorded. It is proposed to install a tertiary treatment system with infiltration /treatment area discharging to groundwater.
- 7.4.2 I note that the Planning Authority in their reason for refusal referred to the absence of a subsurface T value, the evidence of a high watermark, the boggy nature of the site and the presence of vegetation indicative of poor drainage and rock outcropping. The first party within the grounds of appeal asserts that as there was heavy rainfall in the 24 hours prior to the excavation of the trial hole it is likely that the water table witnessed was surface water runoff, It is predicted that the probable concentrations of N and P in groundwater are below national aquifer trigger standards. It is asserted that the preproposal to provide a *Molloy Chieftain* wastewater treatment plant providing primary and secondary treatment, followed by raised soil percolation area and direct discharge to groundwater will adequately treat effluent in accordance with EPA standards. I would share the concerns of the Planning Authority and consider that the precautionary approach would apply in relation to the pollution risk to surface waters arising from the proposed wastewater treatment system based on the characteristics of the site.

7.5 Appropriate Assessment

7.5.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.5.2 Background to the application

On the issue of appropriate assessment, the application is accompanied by an Appropriate Assessment Screening Report by Loughman and O Clubháin Environmental Services. The appropriate assessment screening report provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential pathways and impacts, and assesses the significance of potential impacts.

The applicants AA screening report concluded that no significant effects are expected on the qualifying interest or conservation objectives of the River Moy SAC and a Natura Impact Statement is not required therefore.

Having reviewed the documents, I am satisfied that the information allows for an examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

7.5.3 Screening for Appropriate Assessment – Test of likely significant effects

The proposed development is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European Site.

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas SAC and Special Protection Areas SPA to assess whether it may give rise to significant effects on any European site.

7.5.4 Description of Development

The applicant provides a description of the project in Section 2.1 of the AA Screening Report. In summary, the proposal comprises the construction of a single dwelling

with domestic shed, provision of a wastewater treatment system and all associated site works.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related – uncontrolled surface water silt / construction related pollution.
- Habitat loss / fragmentation
- Habitat disturbance / species disturbance (construction and or operational)

7.5.5 Submissions and observations.

The Planning Authority in its fifth reason for refusal raised concerns regarding pollution potential arising from wastewater treatment given the sites partial location within the River Moy SAC.

7.5.6 European Sites

The development site is located partially within adjacent to River Moy SAC Site Code 002298 and is within approximately 60m of the Lough Conn and Lough Cullin SPA. I note that the applicants AA screening screened out the Lough Conn and Lough Cullin SPA (referring incorrectly to a distance of 0.4km). A number of other European sites occur within 15km of the site within a possible zone of influence. Where a possible connection between the development site and a European Site has been identified, these sites are examined in more detail. European sites within 15km possible zone of influence include :

River Moy SAC North eastern part of the appeal site is within the designated site.

Lough Conn and Lough Cullin SPA is within 60m to the north of the site

Newport River SAC 13km to the west

Lough Hoe Bog SAC 11km to the east

7.5.7 Identification of Likely Effects

The site of the proposed development comprises a greenfield site. The proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. The site of the proposed development includes the River Moy SAC and is within circa 60m of the Lough Conn and Lough Cullin SPA. On the basis of absence of source pathway receptor connection to the Newport River SAC and Lough Hoe Bog SAC there is no likelihood of significant effects on these sites and they are screened out.

The range of activities arising from the construction and operation of the proposed development that would possibly have any potential effects on European sites would relate to pollution of surface water due to household sewage and wastewaters including during construction activities. Species disturbance and habitat loss / fragmentation during construction and operation.

As regards In-combination effects there are no known development projects or plans with which significant in-combination effects would arise.

7.5.8 Mitigation Measures

No measures designed or intended to avoid or reduce any harmful effects of the proposed development on a European site have been relied upon in this screening exercise.

7.5.9 Screening Determination

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it is concluded that there is no likelihood of significant effects to Newport River SAC and Lough Hoe Bog SAC within the possible zone of influence. The potential for significant effects to European Sites River Moy SAC and the Lough Conn and Lough Cullin SPA, cannot be excluded due to proximity and surface and groundwater connectivity. As the project individually or in combination with other plans or projects would be likely to give rise to significant effects on River Moy SAC and the Lough Conn and Lough

Cullin SPA in view of their Conservation Objectives, Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed development, with emphasis placed on surface water discharges,
- The proximity to European sites, and
- The known pathways between the site and the European sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on River Moy SAC and Lough Conn and Lough Cullin SPA or any other European site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

8.0 Recommendation

8.1. It is recommended that then Board refuse permission for the following reasons.

9.0 Reasons and Considerations

1. It is a Policy of Mayo County Council MTP28, in relation to lands adjoining Strategically Important Regional Roads to which speed limits greater than 60km /h apply, to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategically Important Regional Roads, unless it can be demonstrated that the development is required for economic or social reasons and cannot be accessed from a non-Strategically Important Regional Road. The proposed development by itself and by the precedent which a grant of permission for it would set for other relevant development, would

adversely affect the use of the R310 a strategically important regional road, would contravene materially the policy of the Planning Authority and would be contrary to the proper planning and sustainable development of the area.

2. The site is located in an elevated position along a designated scenic route with scenic views. It is a policy of the Planning Authority NEP14 to protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character. It is considered that the construction of a house on the site would contravene this policy would be detrimental to the high scenic amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the soil conditions and high water table, the Board is not satisfied, on the basis of the submission 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 treatment system. The proposed development would, therefore, be prejudicial to public health.
4. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have significant effect on the River Moy SAC and Lough Conn and Lough Cillin SPA, or any other European site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

Bríd Maxwell

Planning Inspector

3 March 2023