



An
Bord
Pleanála

Inspector's Report

ABP-317886-23

Development	Demolish and construct extension to rear of house. Alterations and refurbishments to house associated with the proposed works, replace septic tank with effluent treatment system and percolation area, set back front boundary wall and hedge
Location	Ardnaree or Shanaghy and Carrowcushlaun Townlands, Ballina, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	22650
Applicant(s)	Ronan Hallinan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Ronan Hallinan
Observer(s)	None.
Date of Site Inspection	17/01/24
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The site is located on rural county road 1.4km south – east of Ballina town centre. There is an existing bungalow dwelling on site with an existing extension.
- 1.2. The site is overgrown and the existing dwelling on site is considered vacant/derelict. There is a mature hedging and low boundary wall to the front (eastern boundary) of the site. The site is overgrown with extensive levels of scrub and bramble. The land use surrounding the site consists of low intensity agriculture.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Demolition of rear extension and construction of new extension
 - Installation of new wastewater treatment system
 - Upgrading of existing site entrance

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission for the following reason:

The applicant has not demonstrated to the satisfaction of Mayo County Council that the access visibility requirements as set out in Section 7.6 of the Mayo County Development Plan 2022 – 2028 for a 80kmph Local road can be achieved or maintained within lands under the control of the applicant and therefore it is considered that the proposed development would endanger public safety by reason of traffic hazard.

3.2. Planning Authority Reports

There are three planning reports on file. Further Information was sought on two occasions in relation to Appropriate Assessment and sightlines. Below is a summary of the planning reports.

3.2.1. 1st Planning Authority report

- An assessment of the submitted site characterisation form and noted proposal for the installation of Secondary treatment system.
- As the development is in close proximity to a River Moy SAC, the planning authority seek the applicant to submit an assessment under Article 6 of the Habitats Directive.
- There are concerns with respect to sightline availability – further details is required to demonstrate that the development is in line with Section 7.6 Table 4 of the Mayo County Development Plan 2022 – 2028. 120m sightlines availability in both directions are required.

Further information sought.

3.2.2. 2nd Planning Authority report

Clarification of further information is sought with respect to sightline detail.

3.2.3. 3rd Planning Authority report

Upon receipt of clarification of further information for further sightline detail, the planning authority concluded:

- The site layout plan indicates sightlines of 120m in both directions, a consent letter from adjacent landowner has not been submitted to indicate alterations to site boundary to the south, it was therefore determined that the applicant is not in control of boundaries to achieve stated sightlines. Sightlines to the north are also indicated to be impeded. A refusal is recommended based on traffic safety.

3.2.4. Other Technical Reports

- Report from District Executive Engineer- Date 24/03/23 seeking to defer any grant of permission:

True achievable sightlines from the proposed entrance cannot be adequately assessed due to the presence of existing hedging. 18m of section of hedging should be removed in order to verify that sight lines are achievable. On completion of these works the District Executive Engineer will carry out works to determine that sightlines are achievable.

- Irish Water indicated no objection to proposal.

3.3. Prescribed Bodies

None

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Mayo County Development Plan 2022 – 2028

2.7 Rural Housing Extensions shall:

- In general, be subordinate to the existing dwelling in its size, unless in exceptional cases, a larger extension compliments the existing dwelling in its design and massing.
- Reflect the window proportions, detailing and finishes, texture, materials and colour of the existing dwelling, unless a high quality contemporary and innovatively designed extension is proposed.
- Not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact.

- Carefully consider site coverage to avoid unacceptable loss of private open space. Where an extension increases the potential occupancy of the dwelling, the adequacy of the on-site sewage treatment (in unsewered areas) should be demonstrated by the applicant.

Section 7.6 Access Visibility Requirements

Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers entering and emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines.

- For a local road with a speed limit of 80kph sightlines of 120m must be achievable from a distance 3m setback from the road edge.
- Diagram 1 Page 27 of Volume 2 of the Mayo County Development Plan 2022 – 2028 shows requirements with respect to measuring sightlines.

Biodiversity, Designated and Non- Designated Sites Objectives

NEO 4 - To protect and enhance biodiversity and ecological connectivity in County Mayo, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife, where these form part of the ecological network.

5.2. Natural Heritage Designations

River Moy SAC 002298– 600m to the west

5.3. EIA Screening

See completed form 2 on file. Having regard to the limited 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 environmental 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

This is a first party appeal against the single refusal reason of Mayo County Council.

- The existing entrance is serving an existing dwelling and not a new entrance. The proposal is to improve the existing entrance accessing a local road. There will be no intensification of use as a result of proposed development.
- The applicant sets out that the sightlines indicated on site layout plan submitted as part of further information request are achievable.
- A letter of consent from third parties have been provided to alter front sight boundaries to achieve sightlines.
- The request of the local authority to remove front boundary wall and hedging in advance of assessment by the District office was not possible due to cost implications. There is no issue with carrying out these works prior to commencement of development.

6.2. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Sightlines
- Wastewater Treatment System
- Other Issues
- Appropriate Assessment

7.1.1. Sightlines.

The primary reason for refusal as set out by the planning authority is that the applicant has not met access visibility standards as set out within the development plan or does not have sufficient control of lands to maintain front boundary to ensure access visibility standards are maintained from the upgraded entrance.

Access visibility requirements are set out under Section 7.6 of the Mayo County Development Plan. The road is located on local road and sightlines of 120 meters setback 3 meters from the roadside edge are required. The speed limit on this local road is 80kmph. On the day of the site inspection, it was noted that there was a continuous white line on the road and the travelling speed on this local road is high.

7.1.2. The entrance for upgrading is on the south-east corner of the site. The existing access is overgrown and unkept, the opening for the entrance is approximately 3 meters wide. As part of response to further information the applicant has submitted a revised site layout plan indicating sightlines of 120m in both directions at a point 3 m setback from the road edge. I consider the sightline measurement to correspond with approach for measuring sightlines as outlined under Diagram 1 Page 27 of Volume 2 of the Mayo County Development Plan 2022 – 2028. A letter of consent from the adjoining landowner to remove 18m of boundary hedging has also been provided. The engineer for the local district office sought that planning permission be deferred and the applicant carry out the works (removal of front boundary wall and hedging) in order to assess sightlines from the existing access. For financial reasons the applicant says these works were not completed and would be completed prior to commencement of development.

7.1.3. I consider the upgrading of existing entrance to facilitate sightlines to be generally acceptable. As per the requirements of the local authority to carry works in advance of providing planning permission, I do not consider this approach to be warranted for the following reasons:

- The development description specifically seeks to remove front boundary and hedging to facilitate improved sightlines.
- The proposal is to upgrade the existing access to the site, it is not an intensification of use of an existing access. The right to access the site

through the existing entrance is long established and the availability or otherwise of sightlines will not prevent access to the site.

- As outlined in the appeal, there are improvements feasible for the current dwelling that fall within the scope of exempted development and the opportunity to upgrade the existing entrance in a controlled manner should be taken.
- The applicant has provided full sightline detail on a revised site layout. I consider that the information as submitted allows for a sufficient examination of the sightline detail at this access. I am therefore satisfied that the proposal will represent a significant improvement on existing onsite arrangement and the proposal will largely accord with Section 7.6 of the Mayo Development Plan.
- A letter of consent from neighbouring landowner to carry out works to their site boundary have been provided. I consider that concerns regarding consent from neighbouring landowner to make alterations to site boundaries, has been addressed.

Having regard to the above, I consider the proposal to upgrade existing entrance through the removal of front boundary wall and setting back of site boundaries to be acceptable.

7.2. Wastewater treatment system

7.2.1. The Site Characterisation Report submitted with the application identifies that there is an existing single chamber block built septic tank on site, that is visibly in poor condition and need of upgrading. The subject site is located in an area with a Regionally Important Aquifer where the bedrock vulnerability is Moderate. A ground protection response of R1 is noted. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice, i.e. system selection, construction, operation and maintenance).

7.2.2. The trail hole depth referenced in the Site Characterisation Report was 2.1 metres. Bedrock was not encountered in the trail hole, the water table was encountered at a

depth of 1m. A T value/sub-surface value of 44.17 was recorded and a P value/surface test was subsequently carried out and a value of 19.86 recorded.

- 7.2.3. It is proposed to install a secondary wastewater treatment system and a raised percolation area/polishing bed. Based on the results of the site characterisation report based on EPA CoP 2021 (Table 6.4) the site is suitable for a secondary treatment system and a soil polishing filter. I note the Planning Authority conclude that the site is suitable for the treatment of wastewater. I consider the proposal to install a packaged wastewater treatment system in this instance to be acceptable.

7.3. Other Matters

7.3.1. Biodiversity

The removal of established front boundary hedging has the potential to adversely affect local biodiversity by causing the loss of native vegetation. In alignment with the Mayo County Development Plan Policy Objective NEO 4, which is dedicated to safeguarding and enhancing biodiversity and ecological connectivity in Co Mayo, emphasis is placed on the preservation of woodlands, trees, and hedgerows. The proposed undertaking would result in the removal of a combined length of 35 meters of front boundary wall and hedgerow. Considering the pre-existing access infrastructure, I consider the proposal to be a sensible balance between ensuring traffic safety and preserving biodiversity.

- 7.3.2. In order to mitigate the impact on the local biodiversity, it is recommended that, as a condition of any planning permission granted, the applicant should be required to replant a hedgerow behind the new sightline comprising native tree species during the initial planting season following the commencement of the development. This measure aims to strike a balance between traffic safety concerns and the imperative to uphold and promote local biodiversity, in accordance with the principles outlined in the Mayo County Development Plan.

7.4. Appropriate Assessment

7.4.1. Stage 1 Screening

The applicant submitted an Appropriate Assessment Screening. The report was prepared by Coyle Environmental. There are 7 no. European sites within a 15km zone of influence of the appeal site. The applicant's Stage 1 Appropriate

Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Having reviewed the document, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.4.2. The proposed development comprises the demolition of a rear extension and construction of an extension to dwelling house and installation of new packaged waste water treatment system. There is no surface water runoff from the site and collected rainwater is discharged to soak pits on site. Wastewater shall be discharged to the new packaged waste water treatment system and eventually discharged to ground.

7.4.3. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. I note that the applicant included a greater number of European sites in their initial screening consideration, with sites within 15km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
River Moy SAC 002298	<ul style="list-style-type: none"> • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] 	c. 616 metres west of appeal site	The site is completely outside of the SAC. The site is a brownfield site, surface water shall be managed on site and wastewater shall be managed through onsite wastewater treatment system before been	N

	<ul style="list-style-type: none"> • Depressions on peat substrates of the Rhynchosporion [7150] • Alkaline fens [7230] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 		discharged to groundwater. There will be no direct effects as the project footprint is located entirely outside of the designated site.	
Kilala Bay/ Moy Estuary SAC 000458	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] 	c. 1.5km north of appeal site	The site is completely outside of the SAC. The site is a brownfield site, surface water shall be managed on site and wastewater shall be managed through onsite wastewater treatment system before being discharged to groundwater. There will be no direct effects as the project footprint is located entirely outside of the designated site.	N

	<ul style="list-style-type: none"> • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Petromyzon marinus</i> (Sea Lamprey) [1095] • <i>Phoca vitulina</i> (Harbour Seal) [1365] 			
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7.4.4. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having regard to the nature and limited scale of the proposed development, provision of a new domestic waste water treatment system and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development, the presence of existing dwelling on site,

(b) The extent of front boundary to be removed and the subsequent improvement in sightlines onto a local road

(c) The provisions of the Mayo County Development Plan 2022-2028,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area or the residential amenities of properties in the vicinity and would not adversely impact the built heritage of the area and would not give rise to the creation of a traffic hazard. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received on the 18th of September 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) A new recessed roadside boundary shall be constructed in accordance with revised site layout plan as submitted to Mayo County Council on the 1st of March 2023, composing of: a stone wall or an earthen bank or a sod and stone bank to a consolidated height of 1 meter which shall have a double row of native hedging species (e.g. holly, hawthorn, blackthorn, ash etc.) common to the locality planted on top.</p> <p>b) All landscaping and planting shall take place in the first planting season following construction of the dwelling. The entrance gates shall be recessed 4.5 meters behind the line of the new roadside boundary. The gates shall be linked to the new roadside hedgerow with a fence or</p>

	<p>hedgerow or a sod and stone ditch at a height not exceeding 1 metre and splayed at an angle of 45 degrees to the public road.</p> <p>c) The area between the recessed roadside boundary and the edge of the public road shall be landscaped/grassed and maintained in a tidy condition at all times. No feature in excess of 1.0m in height shall be located in the sight triangle of the site access.</p> <p>Reason - In the interest of visual amenity, traffic safety and local biodiversity.</p>
3.	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
4.	<p>The existing septic tank on the site serving the existing dwelling, shall be decommissioned and shall be replaced with a new treatment system. Immediately upon commissioning of the new treatment system, the septic tank on the site shall be emptied (the contents appropriately disposed of) and rendered inoperable by filling with gravel or other suitable fill material and the percolation area shall be thoroughly disinfected.</p> <p>Reason - In the interest of orderly development, public health and elimination of a public nuisance.</p>
5.	<p>(a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank system shall be discharged to a</p>

	<p>raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. [Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.]</p> <p>Reason: In the interest of visual amenity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Darragh Ryan

Planning Inspector

06th of February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317886-23		
Proposed Development Summary	Demolish and construct extension to rear of house. Alterations and refurbishments to house associated with the proposed works, replace septic tank with effluent treatment system and percolation area, set back front boundary wall and hedge		
Development Address	Ardnaree or Shanaghy and Carrowcushlaun Townlands, Ballina, Co. Mayo.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317886 -23	
Proposed Development Summary	Demolish and construct extension to rear of house. Alterations and refurbishments to house associated with the proposed works, replace septic tank with effluent treatment system and percolation area, set back front boundary wall and hedge	
Development Address	Ardnaree or Shanaghy and Carrowcushlaun Townlands, Ballina, Co. Mayo.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The site is located in a predominately rural location interspersed with one -off type rural dwellings. The proposed development is not exceptional in the context of existing environment. No not exceptional in the context of constructing an extension to existing dwelling	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is .283ha. There are no other developments under construction in proximity to the site. All other development are established uses.	No
Location of the		No

<p>Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>River Moy SAC 002298– 600m to the west</p> <p>The proposal includes standard best practices methodologies for the control and management of waste water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
Conclusion		
<p>Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)