

An
Coimisiún
Pleanála

Commission Order
PL-500738-MO-26

Planning and Development Act 2000, as amended

Planning Authority: Mayo County Council

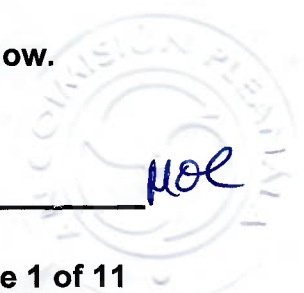
Planning Register Reference Number: P25/60798

APPEAL by William Doheny against the decision made on the 12th day of January, 2026 by Mayo County Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of the construction of a private dwellinghouse, domestic garage and farm stables with connection to public services, together with all ancillary site works including additional supporting information for RHO 4 of the Mayo County Development Plan; all at Rosbeg, Westport, County Mayo. The application will be accompanied by a Natura Impact Statement (NIS).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the condition(s) set out below.



Reasons and Considerations

In coming to its decision, the Commission had regard to the following:

- (a) the policies and provisions of the Mayo County Development Plan 2022–2028,
- (b) the Westport Local Area Plan 2024-2030,
- (c) the conservation objectives, qualifying interests and special conservation interests for the Clew Bay Complex Special Area of Conservation (SAC site code: 001482),
- (d) the Natura Impact Statement as submitted,
- (e) the location of the subject site on lands zoned for agricultural purposes,
- (f) the documentation submitted by the applicant in relation to his housing need and local connections to the area,
- (g) the Climate Action Plan 2025 issued by the Department of Climate, Energy and the Environment;
- (h) Ireland's fourth National Biodiversity Action Plan 2023–2030, issued by the Department of Housing, Local Government and Heritage in 2024,
- (i) the nature, scale and design of the proposed development,
- (j) the existing and emerging pattern of development in the area,
- (k) the reports from the planning authority,

- (l) the submissions/observations received by the planning authority, and
- (m) the report of the Planning Inspector

Appropriate Assessment Screening

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this appropriate assessment screening (see Appendix 3 of the Inspectors report), the Commission considered that it is not possible to exclude that the proposed development, either individually or in combination with other plans or projects, has the potential to have significant effects on Clew Bay Complex Special Area of Conservation (site code: 001482) in view of the site's conservation objectives and that an Appropriate Assessment is, therefore, required.

This determination is based on:

- the hydrological and ecological links to the site,
- the potential for the deterioration of water quality in the Special Area of Conservation from emissions of pollutants from the site during construction, and
- the potential for disturbance/displacement of mobile species such as otter from movement, noise and vibration during construction works.

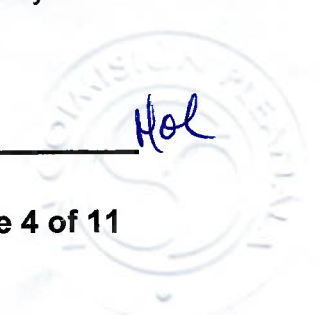
Appropriate Assessment

Following an examination, analysis and evaluation of the Natura Impact Statement as submitted, the Commission considered that adverse effects on site integrity of the Clew Bay Complex Special Area of Conservation (site code: 001482) can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- detailed assessment of construction and operational impacts,
- the measures proposed to ensure no impacts on water quality in the Special Area of Conservation.
- the measures proposed to ensure no impacts on otter in the vicinity of the site,
- the proposed development will not affect the attainment of conservation objectives for the mudflats and sandflats not covered by seawater at low tide, the large shallow inlets and bays and for the *Lutra lutra* (Otter),
- the effectiveness of mitigation measures proposed, and
- the application of a planning condition to ensure best practice construction standards are applied.

Conclusions on Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would comply with Rural Housing Objective RHO-4 (Rural Housing) of the Mayo County Development Plan 2022-2028, would not seriously injure the



residential or visual amenities of the area or the amenities of property in the vicinity, would not negatively impact on the integrity of the Clew Bay Complex Special Area of Conservation (site code: 001482) in view of the site conservation objectives and would be acceptable in terms of design, visual impact, landscape protection, pollution control and ecological impact, traffic safety and impacts on the established amenities of residential property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the inspectors recommendation to omit the proposed stable block, the Commission considered that the stable block would be in keeping with the agricultural zoning of the subject site, would not detract from the visual amenities of the area given its set back on the subject site from the public road and the shoreline, the overall extent of the subject site, and the applicant's ongoing engagement in agricultural activity in the vicinity.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The proposed stables building shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose, other than a purpose incidental to farming/horticulture or purposes incidental to the enjoyment of the dwellinghouse on the subject site, whether or not such use might otherwise constitute exempted development, and shall not be separately used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

5. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

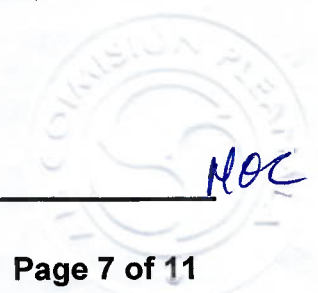
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping,

 - (ii) the measures to be put in place for the protection of these landscape features during the construction period,



- (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
 - (iv) details of screen planting which shall not include cupressocyparis x leylandii, and
 - (vi) hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual amenity.

8. Drainage arrangements including for the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits.

Reason: In the interest of public health.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, site screening, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and residential amenities.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to

any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

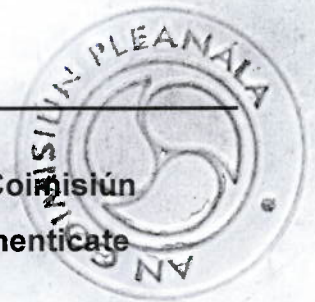
Marie O'Connor

Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this *28th* day of *May* 2026