



An
Bord
Pleanála

Inspector's Report

ABP-308571-20

Development	Construction of a house and garage
Location	Falduff, Louisburgh, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	20/322
Applicant(s)	John & Martha O'Reilly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. Grant
Appellant(s)	Liam Carty
Observer(s)	None
Date of Site Inspection	13 th January 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. Located in the townland of Falduff, approximately 4km northeast of Louisburgh, the site is accessed via a narrow local road which forms the southern site boundary. The site levels gradually fall from the adjoining road level (c. 80.0m at the southwest site corner) to the north-eastern corner of the site (c. 74.0m). The roadside boundary consists of an overgrown stone wall and fence with an existing agricultural access at its western end.
- 1.2. The site has a stated area of 0.5356 hectares, is bounded by a mixture of trees and hedgerows, and contains a dense cluster of vegetation in the southeast corner of the site. A stream runs along the eastern boundary and a drain runs along the northern boundary. A number of overhead utility cables traverse the site.
- 1.3. The surrounding area is characterised by an undulating topography of agricultural fields and one-off housing, including a significant concentration of houses along the road to the west of the site. The wider landscape to the north of the site gradually falls towards the coastline of Clew Bay. Land rises to upland areas to the south of the site, and eastwards to Croagh Patrick.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a single storey dwelling with a stated floor area of 290 sq.m. and an overall height of c. 5 metres. A split-level dwelling is proposed with finished floor levels of 77.25m and 76.75. The house design is based on a 'slipped' plan arrangement with two parallel rectangular elements closely connected by a flat-roof corridor. The two main elements of the house incorporate mono-pitch roofs finished in UPVC membrane with standing seams. The external walls are finished in painted render and incorporate significant extents of glazing. A galvanized steel canopy with glazed covering is proposed to the front entrance of the house. A detached garage of a similar design and a floor area of 108 sq.m. is proposed along the western site boundary.
- 2.2. A new vehicular entrance is proposed, for which varying options were submitted by the applicant. On-site wastewater treatment is proposed via a packaged wastewater

treatment unit and polishing filter. It is proposed to connect to the public mains water supply and to dispose surface water to soakpits.

3.0 Planning Authority Decision

3.1. Decision

By order dated 9th October 2020, Mayo County Council (MCC) issued notification of the decision to grant permission, subject to conditions. The following conditions of the decision are notable:

- Condition 2 requires an occupancy agreement in accordance with the terms of section 47 of 'the Act'.
- Condition 4 requires the location of the entrance at the southwest corner of the site, details of which shall be agreed.
- Condition 5 requires the removal of the entire roadside boundary and the construction of a new stone wall, details of which shall be agreed.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The initial planner's report (dated 3rd July 2020) can be summarised as follows:

- The house type is acceptable at this location.
- The applicants' family lands are located just over 5km from the site, but the lands are not deemed feasible for development due to constraints relating to flooding, Natura 2000 designations and effluent disposal.
- The applicants comply with rural housing need requirements as the applicant 'works the farms'.
- Further Information is required in relation to achievable sight distances at the proposed access and the potential relocation of the access to the southwest corner of the site.

3.2.2. A Further Information Request was issued on 13th July 2020 in accordance with the recommendation of the planner's report. The applicant's response on 4th August

2020 was deemed to constitute 'significant further information' and the applicant was directed to re-advertise the development in accordance with article 35 of the Planning and Development Regulations 2001 (as amended). The applicants were also asked to clarify their contention that the design speed of the road at this location is 42 km/h or less.

- 3.2.3. The applicants submitted revised public notices and clarification of their further information response on 18th September 2020. The subsequent planner's report (dated 6th October 2020) outlines that the further information was submitted. A grant of permission is recommended, subject to conditions, which is reflected in accordance with the MCC notification of decision.

Other Technical Reports

- 3.2.4. A report which appears to be from the Municipal District Engineer (email from Tomás McLoughlin, dated 23rd June) does not raise any objection subject to standard conditions. Referral to the 'Bridge Unit' is recommended due to the proposal to tie into the existing road bridge parapet.
- 3.2.5. The initial report from the Roads Design Office (1st July 2020) requested further information in relation to achievable sight visibility from the proposed access and the potential relocation of the access to the southwest corner of the site. After receipt of the further information, the subsequent report (1st October 2020) confirmed there was no objection subject to conditions including the relocation of the entrance to the southwest corner of the site and the setback of the entire roadside boundary.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A number of third-party submissions were received at various stages of the application. In addition to those issues covered in the 'grounds of appeal' (see section 6.1) the following issues were raised:

- The proposed shed is excessive in scale and proximity to the site boundary and will necessitate the felling of trees.

- The proposed house is out of character with other houses in the area.
- The site forms part of the natural habitat for protected species, including badgers and pheasants.
- Procedural issues regarding the Site Notice.
- Additional traffic will be generated on a popular cycling / walking route.
- Reliance on the use of the private car in a rural area.
- Louisburg is a 'key town' with high residential vacancy rates and Development Plan policies aim to regenerate these towns.
- The impact on the privacy and amenity of adjoining residences.
- The potential that the applicants will object to the future plans of others.

4.0 Planning History

There does not appear to be any recent relevant planning history for the site.

5.0 Policy Context

5.1. National Planning Framework (NPF)

5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. In planning for the development of the countryside, the NPF acknowledges that there is a continuing need for housing provision for people to live and work in the countryside, but also highlights the need to differentiate between types of rural areas and housing needs.

5.1.2. National Policy Objective 19 aims 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.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

5.2.1. In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.

5.2.2. Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS (superseded by the NPF), including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and, areas with clustered settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the varying characteristics of rural areas.

5.2.3. Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

5.3. Mayo County Development Plan 2014 – 2020

5.3.1. The operative plan for the area is the Mayo County Development Plan 2014 - 2020, the lifetime of which has been extended in accordance with the provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended).

5.3.2. Louisburg is designated as a 'Key Town' and Policy P-01 aims to ensure sustainable development of the Linked Hub and Key Towns and to manage development outside these towns in a way that ensures the viability of rural communities.

- 5.3.3. Objective RH-01 of the Plan aims to ensure that housing in rural areas complies with the 'Sustainable Rural Housing Guidelines (2005)', Map 1 - Core Strategy Conceptual Map, and the Development Guidance document of the Plan. I note that 'Map 1' classifies the appeal site as being within a 'Rural Area under Strong Urban Influence'.
- 5.3.4. Volume 2 of the Plan sets out further guidance and standards and states that applications for rural housing in rural areas under strong urban influence shall demonstrate rural generated housing need through compliance with one of the following categories:
- Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives, living in the rural area in which they propose to build a home.
 - Persons working full-time or part-time in the rural area in which they propose to build their first house.
 - Persons whose exceptional health circumstances require them to live in a particular environment or close to family support.
- 5.3.5. Under Objective LP-02, the Council will consider all proposed development in the context of the Landscape Appraisal of County Mayo. The site is within 'Policy Area 3 – Uplands, Moors, Heath or Bog' as per 'Map 3A - Landscape Protection Policy Areas', within which 'rural dwellings' are deemed to have medium/low potential for adverse impacts on landscape character according to the Landscape Sensitivity Matrix.
- 5.3.6. Objective VP-01 aims to ensure development does not adversely interfere with views and prospects as outlined on Map 4, or on the views to and from places and features of natural beauty or interest. The Regional Road to the north of the site is designated as a 'scenic route', from which 'highly scenic views' are available to the north (coast) and south (uplands).
- 5.3.7. The Louisburg Area Plan is contained within the CDP. The plan highlights a high residential vacancy rate of 22% in the town and aims to consolidate the town through the use of vacant buildings and infill development.

5.4. **Natural Heritage Designations**

The nearest designated Natura 2000 sites are Oldhead Wood Special Area of Conservation (SAC) and West Connaught Coast SAC, both located c. 2 kilometres northwest of the site. The Clew Bay Complex SAC is located c. 4 km to the northeast. Croagh Patrick Proposed Natural Heritage Area (pNHA), is located approximately 2km east of the site.

5.5. **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising just one dwelling, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The decision of MCC to grant permission has been appealed by a third party (Liam Carty of Shraheens, Achill, Co. Mayo). The grounds of appeal can be summarised as follows:

Rural Housing Policy

- Inadequate evidence has been submitted of a demonstrable economic or social need to reside at this location, as is required per NPO 19 of the National Planning Framework, on the following basis:
 - The current place of residence is in the town of Westport, which demonstrates that their 'predominant occupation' can be carried out from an urban setting.
 - Inadequate detail has been submitted about farming / natural resource related employment.

- Whilst being within the 10km limit specified in the Development Plan, the 20-minute travel time to the family home / farm does not demonstrate a benefit in terms of farm activity management. The applicants' need could equally, or more conveniently, be met by living in the settlement of Louisburgh.
 - The applicants have not demonstrated roots or links in the Kilsallagh / Falduff area and are seeking to purchase the site commercially.
 - The applicants do not comply with the requirements set out in policy RH-01 and sections 2.3.1.2 and 2.3.1 of the Development Plan.
 - Examples of previous refusals by the Board are cited (Ref No.'s 305522-19 and 300007-17).
- There are already six houses along a stretch of c. 240 metres of this road and the proposed development would result in a seventh house within c. 310 metres. The proposal would exacerbate ribbon development, which would be contrary to Development Plan policy and the Sustainable Rural Housing Guidelines (2005).

Wastewater pollution

- Due to potential cumulative impacts; hydrological connections to Clew Bay; and the application of the precautionary principle; a comprehensive Appropriate Assessment screening would be required, if not a Natura Impact Assessment.
- Regarding on-site wastewater treatment proposals, the appellant contends that permission should not be given on the basis of risks and vulnerabilities associated with surface / ground water; the risk of failure of systems; and the cumulative impact of systems in the area. The Board will note that several examples of An Bord Pleanála refusals relating to similar issues are cited, none of which relate to this locality.

Visual amenity

- The site is in a highly scenic area and would interfere with views in a southern direction (including those of Croagh Patrick) from the scenic route to the north (Regional Road R335). The planning authority did not have sufficient regard

to the potential visual / landscape impact and policies LP-01, LP-02, LP-03 and VP-01 of the Development Plan.

Traffic

- The applicant relies on an unrealistic road design speed assumption of 42 kmph to derive a required visibility splay of 50 metres. A design speed of 60kmph would be more realistic, requiring visibility of 90 metres which is not achievable.
- Condition 5 of the decision, requiring the setback of the roadside boundary, is not achievable as it involves the setback of the existing bridge wall and is out of the control of the applicant. Furthermore, the impact of such an intervention in the rural landscape was determined to be a major consideration in a previous order by the Board (Ref. No. 302381 refers).

6.2. Applicant Response

The applicants' response to the grounds of appeal can be summarised as follows:

Rural Housing Policy

- The pre-planning process established that there were no suitable options to building on family lands at Leacta, Louisburgh, and searches for other suitable homes / sites were unsuccessful. The applicants purchased the subject site after further pre-planning discussions deemed it suitable as per Development Plan policy.
- The response contends that the proposal complies with housing need policy on the basis of the following:
 - The proximity between the site and the family home (7.89km), which complies with section 2.3.1.2 (b) of the Development Plan.
 - One of the applicants is a farmer, with a herd number, who also works as a mechanical engineer at Baxter Healthcare in Castlebar. Work schedules indicate that 68% of his time is spent farming and 32% is at his second employment in Baxter Healthcare.

- The other applicant is a teacher at a 'Rural School' in Louisburgh, which complies with section 2.3.1.2 (c) of the Development Plan.
 - The site is centrally located between the applicants' farming and employment bases, and the applicants are involved with local community clubs and groups.
 - One of the applicants' grandmothers was born and raised less than 300 metres from the site and there are many relatives living in the Falduff area.
 - The example cited in the appeal (ABP Ref. No. 305522-19) is not relevant as the applicant was a returning immigrant.
- The proposed development does not constitute ribbon development as there are significant open spaces to the east and west, on both sides of the road.

Wastewater

- The proposed wastewater system will be adequately distanced from the adjoining stream and the planning authority rightly determined that Appropriate Assessment is not required.
- There is only one other septic tank / percolation area within 130 metres of the proposed wastewater system and therefore a negative accumulative effect will not occur. The other examples cited in the appeal are not relevant.

Visual amenity

- The proposed house has been sensitively designed to assimilate into the local landscape and will be screened when viewed from the R335 road.

Traffic

- The road design speed of 42 kmph was derived from experience of travelling the road and this is substantiated by the travel times suggested by the appellant. Traffic volumes on the road are low but it is not possible to travel at 60 kmph due to the width and alignment of the road.
- The roadside setback line referred to in condition 5 of the MCC decision is an approximation, the final detail of which will be agreed. The Board decision cited in this regard is not relevant as hedgerow will not be removed.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

7.1 Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- Rural Housing Policy
- Visual amenity
- Traffic
- Wastewater treatment.

7.2. **Rural Housing Policy**

7.2.1. In accordance with CDP policy, rural generated housing need must be demonstrated for a proposal in a 'rural area under strong urban influence'. In this regard, the acceptable categories of housing need are set out in section 5.3 of this report.

7.2.2. The first category relates to *'persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives, living in the rural area in which they propose to build a home'*. Section 2.3.1.1 of Vol. 2 of the CDP further clarifies this category and states that, under sub-section (a), it includes sons / daughters building on a family farm holding that exceeds 4 hectares. Given that the applicant appears to be in the process of purchasing the site from an un-related person, I do not consider that this category applies.

7.2.3. Sub-section (b) refers to the construction of a dwelling within 5km of the family residence. Given that the site is located 7.89km from the applicant's family home, I do not consider that this category applies. Sub-section (c) relates to returning emigrants and this would not appear to be the case with the current applicants.

- 7.2.4. Section 2.3.1.2 outlines the next category, which relates to persons working full-time or part-time in the rural area in which they propose to build. Sub-section (a) outlines that this includes those in full-time rural-related employment, which does not apply to the applicants whose employment includes teaching and mechanical engineering.
- 7.2.5. Sub-sections (b) and (c) include those in a part-time occupation (where the predominant occupation is farming/natural resource-related) and persons whose work is intrinsically linked to the rural area in which they wish to build. It is stated that sites shall generally be required to be within 10km of an applicant's place of work. I note that the applicants contend that these categories apply given that one applicant is predominantly working on the family farm and the other teaches in the local secondary school in Louisburg. The applicants do not put forward any argument in relation to section 2.3.1.3, which relates to exceptional health circumstances.
- 7.2.6. I note that the categories argued by the applicants (i.e. (b) and (c) of section 2.3.1.2) correspond with the illustrative suggestions outlined in the 'Sustainable Rural Housing Guidelines (2005)'. However, this must be balanced with the aims of NPO 19 of the NPF, which outlines that rural housing proposals in rural areas under urban influence should have a demonstrable social or economic need.
- 7.2.7. While I acknowledge that one of applicants is a teacher in the local secondary school, I do not consider that this employment is intrinsically linked to the rural area. I see no reason why this occupation cannot be carried out while living in an urban area, including the built-up area of Louisburgh or Westport. Accordingly, I do not consider that a social or economic need to live in a rural area has been demonstrated on the basis of this employment.
- 7.2.8. I acknowledge the other applicant's employment in agriculture and as a mechanical engineer in Castlebar, and that the applicant has submitted work schedule records in an effort to demonstrate that the majority of his working time is devoted to farming. However, I would be reluctant to place too much emphasis on these records given the changeable nature of part-time employment arrangements and agricultural activity. Notwithstanding any question regarding the proportion of working time devoted to agriculture, I do not consider that the applicant has demonstrated a functional need to live at this location. Indeed, the applicant's desire to live at this location, which is significantly distanced from his farmlands, would indicate that his

place of residence is not dependent on proximity to his agricultural activity. This would also appear to be supported by the applicants' current place of residence in the urban area of Westport.

7.2.9 In terms of social need, I again consider that the applicants' links to the subject site and the immediate locality are quite tenuous. While one of the applicants' family homes is located c. 8km from the appeal site, I again consider that social links could be maintained from other locations, including those within the built-up and serviced area of Louisburgh.

7.2.10 Having regard to the above, it is considered that the applicant has provided insufficient evidence of a demonstrable economic or social need to live in this Rural Area Under Strong Urban Influence. It is further considered that development such as this may be more appropriately directed to the town of Louisburgh, which is designated as a Key Town in the CDP for the purposes of population growth, service provision and new investment.

7.3 Visual Amenity

7.3.1. As outlined in section 5.3 of this report, the site is located within a landscape classified as 'uplands, moors, heath or bogs,' and the Regional Road (R335) to the north of the site is a designated 'scenic route' from which 'highly scenic views' are available. Section 3.7(a) of the Landscape Appraisal in the CDP designates 'highly scenic vistas' and this includes the section of the R335 from west of Kilsallagh to Westport (looking towards Croagh Patrick and Clew Bay).

7.3.2. Having inspected the site, I consider that it is quite elevated and prominent in relation to the R335 scenic route. While the weather conditions were poor at the time of my inspection, it is nonetheless obvious to me that highly scenic views are indeed available of Croagh Patrick along this stretch of road. I consider that the existing pattern of linear housing development to the west of the site already detracts from this setting, and that development of the subject site would further encroach on the vista of Croagh Patrick.

7.3.3. The proposed house is to be located centrally on site, along a northwest – southeast axis. The proposed northwest elevation is substantial in width and would be prominently visible from the R335. The proposed garage is also substantial in height and scale and would add to the visual impact. While the proposed development may

not directly obstruct views of Croagh Patrick, it would certainly encroach on those views and would detract from the quality of this highly scenic vista. I do not concur with the contentions of the applicant that the house will be screened from the R335 and has been designed to integrate with the landscape.

7.3.4. The appeal documents outline opinions about whether the proposed development would constitute / exacerbate ribbon development at this location. Without further debating the technicalities of the definition, I consider it sufficient to say that there is already an extended pattern of elevated linear housing at this location and that the proposed development would contribute to an excessive concentration of development which would seriously detract from the visual amenities of the area.

7.3.5. Having regard to the above, I consider that the development of the site would be unacceptable on the grounds that it would lead to an excessive concentration of development which would further encroach and detract from views identified for preservation in the CDP, and, accordingly, would be seriously injurious to the visual amenities of the area.

7.4 Traffic

7.4.1. The site adjoins a stretch of narrow local road that varies considerably in terms of horizontal alignment. The width of the road is suitable for one vehicle only, save for the passing bays created by roadside boundary setbacks like that which exists opposite the subject site. The planning authority has stated that an 80 kph speed limit applies to the road.

7.4.2. Based on the estimated travel speeds on the road, the applicant has proposed sightlines based on a 42 kph design speed. In accordance with section 16.3 of Vol. 2 of the CDP, the minimum access visibility requirements for a local road with a design speed of 42 kph is 50 metres in each direction. In response to a further information request, the applicant has submitted two potential entrance options for the achievement of 50 metre sightlines. The planning authority does not appear to accept either of the applicant's proposals but has no objections subject to the relocation of the entrance to the southwestern site corner and setback of the roadside boundary.

7.4.3. Having inspected the site, I would agree with the applicant's argument that higher speeds are not feasible on this stretch of road due to its limitations in terms of width,

surface, and alignment. I consider that the suggested design speed of 42 kph is reasonable and that adequate sightlines are achievable at the southwest site corner as per the conditions of the MCC decision.

7.4.4. I note the concerns raised in the appeal about the implications of the condition requiring alterations to the existing bridge. However, I consider that the boundary setback line A-B-C, as referred to in condition no. 5 of the MCC decision, is excessive. I consider that a safe entrance could be achieved with a much shorter roadside setback that would not require any alterations to the bridge. This matter could be dealt with by condition in the event of a grant of permission.

7.4.3. The proposed development would result in a relatively small increase in the level of traffic using this road. Given that a safe entrance with adequate sightlines is achievable I do not have any objections on the grounds of traffic safety.

7.5 **Wastewater treatment**

7.5.1. In response to the 'EPA Code of Practice (CoP): Wastewater Treatment and Disposal Systems Serving Single Houses (2209)', the application includes a Site Suitability Assessment prepared by Jennings Surveying. It is proposed to install a packaged wastewater treatment system and polishing filter.

7.5.2. The Site Characterisation Form identifies the aquifer type as a 'Poor Aquifer – Bedrock which is generally unproductive except for local zones'. It is rated as having an 'extreme' vulnerability. Furthermore, I note that the south-western section of the site is classified as 'Rock at or near surface or karst' as per GSI mapping.

7.5.3. Bedrock was encountered at a depth of 1.6m as per the trial hole information. The water table was not encountered in the trial hole but the water level of a drain to the north of the site (73.6m) is used for design purposes and it is acknowledged that there is a high water table level in the northern section of the site. Soil conditions are described as being a gravelly / sandy topsoil, followed by gravelly silt with clay and cobbles between 0.5m and 1m depth. A gravelly shale then lies above the bedrock at 1.6m depth.

7.5.4. In accordance with the 'response matrix' outlined in the CoP, the site falls within the 'R2(1)' category where an on-site system is acceptable subject to normal good practice. Under this category, where domestic water supplies are located nearby,

particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised.

- 7.5.5. Three separate percolation 'T' tests were carried out in accordance with CoP requirements and the average results give a 'T' value of 18.36. Despite the presence of bedrock in the trial hole, no 'P' test was carried out. In accordance with the CoP, the 'T' value of 18.36 would be suitable for a septic tank system or a secondary treatment system discharging to groundwater.
- 7.5.6. The applicant has proposed a packaged wastewater treatment system and polishing filter. The Site Assessment recommends that the percolation area be stripped of its varied clay layer down to its shale/gravel strata and suitably levelled to a discharge level of 75.2m (i.e. 1.2m above the recorded rock level and 1.75m above the recorded water level). It is stated that tertiary standard treatment will be provided through a percolation area of 15m².
- 7.5.7. Upon my inspection of the site I would be concerned about the evident water levels. The trial hole and test holes were full of water, almost to the ground surface level. The existence of the stream and drain bounding the site and the evidence of rushes throughout the site suggests a high water table and/or poor percolation characteristics. I note that the water table level is estimated in the Site Assessment by reference to the water level in the drain. However, this estimation may not be reflective of varying site conditions, which were very poor at the time of my inspection.
- 7.5.8. I note the 'extreme' groundwater vulnerability classification that applies to the north-eastern section of the site and that GSI mapping indicates rock near the surface or karst features on the south-western portion of the site. The Site Assessment also acknowledges risks in relation to surface water and further links with Clew Bay. Accordingly, having regard to the concerns outlined above regarding site conditions, I am not convinced that an adequate separation between the discharge level and the level of unsaturated soil can be achieved to demonstrate that the site is suitable for the treatment and disposal of effluent.

8.0 **Appropriate Assessment**

8.1. **Background**

8.1.1 The applicant did not include an AA Screening Report as part of the application documentation. Mayo County Council did carry out a preliminary screening exercise and concluded that, due to its location outside any designated European Sites and the details submitted, the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on European Sites.

8.1.2. Having reviewed the documents, drawings and submissions included in the appeal file, 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.

8.1.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

8.1.4. As previously outlined, the development involves the construction of a dwelling, garage, packaged wastewater treatment system and polishing filter. The existing site is entirely composed of grazing land and is bounded by a combination of drains/streams along the northern and eastern site boundary. The surrounding area is of a typical rural landscape with agricultural land/buildings and one-off houses.

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

- Construction related pollution
- Habitat loss / fragmentation
- Habitat / species disturbance (construction and/or operational)

8.2 **Submissions and observations**

There have been no comments from prescribed bodies. The appellant raises concern about the risk of pollution of Natura 2000 Sites in Clew Bay.

8.3 European Sites

The European Sites that occur within the possible zone of influence of the development are presented in the table below. Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways; I do not consider that any other European Sites fall within the possible zone of influence.

Summary of European Sites within a possible zone of influence of the development

European Site (Code)	List of Qualifying Interests / Special conservation interest	Distance from proposed development (km)	Connections (source, pathway, receptor)	Considered further in screening (Yes/No)
Oldhead Wood SAC (000532)	European dry heaths [4030] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	2	Indirect hydrological connection	Yes
West Connaught Coast SAC (002998)	Tursiops truncatus (Common Bottlenose Dolphin) [1349]	2	Indirect hydrological connection	Yes
Clew Bay Complex SAC (001482)	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	4	Indirect hydrological connection	Yes

	Vertigo geyeri (Geyer's Whorl Snail) [1013] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			
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8.4 Identification of likely effects

- 8.4.1 In relation to potential construction-related pollution, I note that the site is not within or directly adjacent to any European Sites, which are located more than 2km from the development site. There is a drain along the northern site boundary and a stream running along the eastern site boundary which outfalls to Clew Bay, thereby providing a potential hydrological pathway to the European Sites. However, the route of the stream from the site to Clew Bay is in excess of 500 metres. A significant marine buffer then separates the stream outfall from the Oldhead Wood SAC and West Connaught Coast SAC sites (c. 2km), and from the Clew Bay Complex SAC (c. 4km). Accordingly, I consider that significant construction-related effects are unlikely having regard to the limited scale of the development; the separation distances involved; and the presence of substantial hydrological buffers.
- 8.4.2 In terms of habitat loss / fragmentation, it is again noted that no part of the development site is located within any European Sites and that there will be no direct loss of habitat. The European Sites are all significantly distanced from the appeal site and, accordingly, having regard to the scale of the development, it is not considered that there is potential for habitat loss or fragmentation by reason of disturbance or otherwise.
- 8.4.3 With regard to habitat / species disturbance at operational stage, it is acknowledged that there will be on-site wastewater treatment and surface water disposal. I have outlined my concerns in relation to the suitability of the site for effluent disposal and the potential for pollution of hydrological links. Notwithstanding these concerns, and having regard to the nature and limited scale of the development, and the substantial marine buffer and assimilative capacity that would exist in the Clew Bay water body, I do not consider that the operation of the development is likely to cause disturbance to qualifying species or habitats.

8.4.4 In terms of cumulative effects, the development must be considered in the context of various other projects in the area. As previously outlined, the proposed development would not be considered to have a significant impact in respect of emissions at construction or operational stage. Similarly, I do not consider that the development is likely to have any such cumulative impact with other developments.

8.5 **Mitigation measures**

I do not consider that any measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.6 **Screening Determination**

The proposed development was 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 has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

9.0 **Recommendation**

Having regard to the above, it is recommended that permission should be refused for the reasons and considerations set out hereunder.

10.0 **Reasons and Considerations**

1. Having regard to the location of the site in a "Rural Area under Strong Urban Pressure" as set out in the Mayo County Development Plan 2014 – 2020, and to national policy, as set out in National Policy Objective 19 in the National Planning Framework, which 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, the Board is not satisfied, having regard to the documentation submitted with the application, that the applicants have established a demonstrable economic or social need to live at this site within

this rural area, or that the applicants' housing need could not be satisfactorily met within an established smaller town or village/settlement centre. It is considered that the applicants do not come within the scope of the housing need criteria for this type of rural area, as set out in the over-arching national policy, and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is located in close proximity to Regional Road R335, a designated Scenic Route as per the Mayo County Development Plan 2014 – 2020, from which highly scenic views of Croagh Patrick are to be preserved in accordance with objective VP-01 of the Development Plan. It is considered that the proposed development would interfere with views to be preserved and, taken together with existing development to the west of the site, would constitute an excessive concentration of development, which would be seriously injurious to the rural character and scenic amenities of the area. It is considered, therefore, that the proposed development would contravene the objectives of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the soil conditions and high water table observed on inspection of the site, the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Stephen Ward
Planning Inspector

22nd January 2021