



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312573-22

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<b>Development</b>	Construction of a house, sewerage treatment plant, raised puraflo modules, percolation area and all ancillary site works.
<b>Location</b>	Derrynameel, Barnatra, Ballina, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21248
<b>Applicant(s)</b>	Michael Costello.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Gary and Annette McDonnell
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	8 <sup>th</sup> February 2023.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

1.1. This appeal refers to a site of .32 hectare located in to townland of Derrynameel circa 4km southwest of Barnatra village and 6km to the southeast of Belmullet in northwest County Mayo. The area is characterised by undulating terrain comprising open fields with stretches of ribbon type development concentrated on the roadside. The appeal site is on a gently slope overlooking the Mullet Peninsula and Broadhaven Bay. The appeal site comprises blanket bogland, is soft underfoot with spongy peat grassland cover and rushes also visible. Lands to the south and east comprise recently created improved pasture. A drainage ditch and eircom line run along the western roadside boundary and an access road runs along the southern boundary. There is an existing dwelling site within 50m to the north and one within approximately 90m to the south. There are three wind turbines located on elevated ground to the south east.

## 2.0 Proposed Development

2.1. The application as set out involves permission for the construction of a single storey dwellinghouse 225sq.m with a packaged wastewater treatment system and polishing filter site entrance and all ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for additional information and a clarification of additional information request Mayo County Council by order dated 17 December 2021 issued notification of the decision to grant permission and 11 conditions were attached which included the following:

Condition 9 requiring payment of a development contribution of €357 euro in accordance with the development contribution scheme.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Initial planner's report sought additional information to include an assessment under Article 6 of the EU habitat directive in light of proximity to the River Moy SAC (Site Code 002298)<sup>1</sup>, land registry folio details and maps showing all landownership at this location and an indication of the location of the family home. Site layout to show proposal in relation to the siting of the dwelling permitted under 20/394 to the south. Further information note advised that there are 3 previous unsuccessful applications for a dwellinghouse submitted on the site and in the vicinity and sought comment on this.

Following submission of additional information planner's second report noted that as discussed with the applicant prior to submission of further information response, a typo referred to River Moy SAC where it should have referred to Blacksod Bay / Broad Haven SPA, Mullet Blacksod Bay Complex SAC and Broadhaven Bay SAC. The applicant was requested to submit revised site notices publicising the submission of an NIS.

Third planning report notes location within a designated structurally weak area. Siting and design is considered acceptable. Permission was recommended subject to conditions as per subsequent decision.

### 3.2.2. Other Technical Reports

Area Engineer's report indicated no objection subject to conditions including setting back of the roadside boundary by 4.4m over the site frontage, and piping of the existing roadside drain.

Environment Section Report notes the finding of the NIS and expresses concern that without adequate protection implementation of the measure to culvert the roadside drain could lead to negative effects. A detailed method statement should be submitted for review to ensure no significant effects on the Conservation Objectives

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<sup>1</sup> This was subsequently referenced as a typo and relevant Natura 2000 sites were Blacksod Bay / Broad Haven SPA. Mullet/Blacksod Bay Complex SAC. And Broadhaven Bay SAC were referenced in subsequent correspondence.

of the nearby Natura 2000 sites. Report notes location on Blanket bog habitats listed as priority habitats in the EU Habitats Directive. Despite their degraded nature these habitats have potential to sequester carbon dioxide from the atmosphere and make a positive contribution to mitigating climate change. In addition, this peaty soil type, when drained, is known to emit carbon dioxide to the atmosphere due to oxidisation. It is considered that draining and developing these habitats will have negative impacts from a climate change and biodiversity perspective.

### **3.3. Prescribed Bodies**

No submissions.

### **3.4. Third Party Observations**

Submission by J A Design Group on behalf of the appellants Gary and Annette McDonnell owners of the lands abutting the appeal site. Object to the proposal on a number of grounds as follows:

- Issues raised in previous refusal on the site have not been resolved. Site width does not exceed 31m. Submitted plans misrepresent the actual site size and the application should be invalidated. Maximum width of the site is 27.5m or thereabouts.
- No consent from the observer for the infringement onto their land by approximately 4 metres.
- Given the narrow width of the site 27.5m and the width of the dwelling 24.5m the site the setback from side boundaries would be 1.5m significantly less than the 3m requirement for a rural dwelling.
- Legal and engineering costs to the observer are unfair and unwarranted.

## 4.0 Planning History

**06/2022** Refusal 14/12/2006 of application by Alan O Connor for dwelling on grounds of ribbon development, interference with character of the landscape and site deficient in terms of size (frontage).

**03/1868** Application for dwelling by Patrick O Connor withdrawn 5/1/2004

**03/3089** Application for dwelling by Brian and K McArthur withdrawn 11/8/2004.

On the adjoining site to the south and also overlapping with the appeal site.

**22/1005** Application for dwelling domestic garage proprietary effluent treatment system and associated works. Application withdrawn 9/1/2023.

**20/294** Permission granted 9/4/2021 to Gary and Annette McDonnell to construct a dwellinghouse new domestic garage, proprietary effluent treatment system and all associated site works.

**19/466** Refusal of Permission to Gary and Annette McDonnell for permission for dwelling on grounds of ribbon development and negative impact on character of the landscape.

## 5.0 Policy Context

### 5.1. Development Plan

The Mayo County Development Plan 2022-2028 refers. This plan was adopted on 29<sup>th</sup> June 2022 and came into effect on 10<sup>th</sup> August 2022.

The site is outside the designated rural area under strong urban influence.

**RHO 2** In rural areas not classified as in Rural Areas under Strong Urban Influence, there is a presumption in favour of facilitating the provision of single housing in the countryside, based on siting and design criteria for rural housing in statutory guidelines and plans, except in the case of single houses seeking to locate along Mayo's Scenic Routes/Scenic Routes with Scenic Views or Coastal Areas/Lakeshores.

**RHO 7** That there will be a general presumption against allowing ribbon development i.e. greater than 5 houses in a row over 250m of road frontage, in any area outside of the development boundaries of all settlements listed in the Settlement Hierarchy of this plan.

The R314 to the north is a designated Scenic Route.

## 5.2. **Natural Heritage Designations**

There are a number of Natura 2000 sites within the vicinity including

Mullet Blacksod Bay Complex SAC (Site Code 000470) within 1.2km to the southwest

Blacksod Bay Broadhaven Bay SPA (Site Code 004037) within 1km to the north

Blacksod Bay SAC (Site Code 00472) within 1km to the southwest.

## 5.3. **EIA Screening**

Having regard to the nature of the development comprising construction of a new dwelling together with a new proprietary wastewater treatment system 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 JIA Design Group, Chartered Engineers on behalf of Gary and Annette McDonnell, Attucunnane, Ballina Road, Belmullet. Grounds of appeal are summarised as follows:

- Site width and size has been misrepresented in the planning application.
- Planning application as presented encroaches on the appellant's lands.

- Width of the site as surveyed is 27.5m and not 31m as presented in the application.
- Proposed dwelling will have windows within 1.5m of the physical boundary line.
- Planning Authority failed to take misrepresentation into account despite having been notified of the issue.
- Appellants have no objection in principle to the development of the site and only became aware of the encroachment as a result of the planning authority's initial further information request.
- Site notices erected on site on 30<sup>th</sup> November and in "The Mayo News" referred to a period of 5 weeks for objections/ submissions however the planning authority issued notification of decision to grant permission within 2 weeks.
- Given that the planning authority previously refused permission on the basis of the site being too narrow it is incredible that this issue was ignored.
- File was mishandled by the local authority.
- Legal dispute now arises in regard to the site boundaries. Copy of correspondence from the appellant's solicitor to the landowner and applicant appended.
- Validity of the application is questioned.

## 6.2. Applicant Response

6.2.1 A response from John O Hara, Consultant Engineer on behalf of the applicant is summarised as follows:

- Appellant's submission is post-dated -validity of the appeal is questioned.
- Appellant's site encroaches onto the applicant's site not the other way around.
- Planning application P20/394 is flawed and was made without the written consent of the landowner.

- Arial imagery map (Map B appended) attached shows encroachment of site P20/394 by up to 7m.
- Appeal site corresponds precisely to the land registry folio MY28185F. Site area 0.32ha in excess of the minimum requirement of 0.3ha. and has road frontage of 30.54m. (Verified by two chartered engineers and a registered engineer - Letters and maps appended).
- Appellant has not provided any evidence to substantiate claims.
- 3m separation distance to site boundary does not apply to rural houses. In any event a minimum of 3m is achieved.
- Design and siting is in accordance with Mayo County Council rural design guidelines and will not adversely affect any scenic view but will enhance the surrounding landscape.
- Relevant abstracts from Mayo County Development Plan 2014-2020 appended to support case.

### **6.3. Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

### **6.4. Observations**

None



## 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:

- Ownership and Procedural Matters
- Settlement Policy Ribbon Development and Impact on the amenities of the area
- Servicing, Wastewater Treatment, Traffic & Access
- Appropriate Assessment

## 7.2 Ownership and Procedural Matters

7.2.1 On the issue of ownership and the encroachment onto third party lands as alleged by the appellant, and the counter case by the appellant in response to the appeal which asserts that the appellant's site (on which permission P20/394 was granted) encroaches onto the appellant's site. I note that this matter was not questioned by the local authority. I note the advice contained in the Development Management Guidelines issued by the Department of Housing Local Government and Heritage, December 2020. As set out at 5.13 of the Guidelines, under the heading "Issues relating to title to land", the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the courts and in this regard it should be noted that as section 34(13) of the Planning and Development Act, as amended, states, a person is will not be entitled solely by reason of a permission to carry out any development. It is advised that if in terms of the application itself or arising from a submission made by a third party raising doubts as to the sufficiency of the legal interest, further information may have to be sought under Article 33 of the

Regulations. I note that the first party in response to the appeal provides land registry details and folio maps and maintains that the permission P20/394 is flawed as it was made without the consent of the landowner.

7.2.2 As regards the validity of the application I note that there is no record of a site location map submitted with the initial application to the local authority. As confirmed by Mayo County Council in email to the Board 20<sup>th</sup> February 2023 “there is no copy of a site location map on the hardcopy of the file or on screened copies whereas it has been checked as received on the internal validation checklist”. I note that it is on the basis of the site layout plan and its representation of established development and site features (incomplete and inaccurate), and the folio map submitted in response to the initial request for additional information 6/10/2021 that the application site location can be deciphered. I note that the Planning Authority apparently misinterpreted and misrecorded the site location on its GIS map register. Having regard to the deficiencies in the initial application claims regarding invalidity are persuasive, however as the Planning Authority validated and determined the application I propose to proceed to assessment of the proposed development on its planning merits. I note that this assessment is on the basis of the site of 0.32ha as presented.

7.2.3 As regards the question of validity of the appeal as raised in the first party response, on the basis of a 11month post-dated objection letter, I note that this is clearly a typo and would not consider it a basis for invalidation.

7.2.4 As regards the manner of processing the application by the local authority and procedural issues raised I note that these matters are beyond the remit of the Board in terms of assessment of the appeal on its planning merit.

### **7.3 Settlement Policy Ribbon Development and Impact on the amenities of the area**

7.3.1 On the issue of settlement policy I note that the development plan does not require a demonstration of local housing need as the appeal site falls outside the designated rural area under strong urban influence. Objective RHO 7 sets out a general presumption against allowing ribbon development i.e., greater than 5 houses in a row over 250m of road frontage, in any area outside of the development boundaries of all settlements listed in the Settlement Hierarchy of this plan.

7.3.2 The Sustainable Rural Housing Guidelines for Planning Authorities recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure, as well as visual impacts. The guidelines state that ribbon development will exhibit characteristics such as high density of almost continuous road frontage type development for example where 5 or more houses exist on any one side of a given 250m of road frontage. The existing development along this road has taken place in an ad hoc and uncoordinated fashion.

7.3.3 The proposed dwelling would clearly constitute an extension of ribbon development in this rural area. There are four existing houses and one permitted to the south of the site therefore the proposal would represent the sixth house within the ribbon. I note that the first party in submissions to the local authority asserted that the proposal represented an “infill site” which could be supported by other policies and objectives within the plan however this is clearly not the case as the site is not on development land within a settlement. I note that if the argument for infill were accepted it would also set a precedent for a further infill site on the adjoining land to the north which would result in a potential row of eight houses in a continuous ribbon pattern. The proposed development would clearly exacerbate the pattern of ribbon development contrary to the provisions of the Sustainable Rural Housing Guidelines and contrary to Objective RH07 of the Mayo County Development Plan 2022-2028.

- 7.3.4 I note that the issue of ribbon development, whilst having featured in terms of the assessment of historic planning application files on these lands, is a 'new issue' in terms of the current appeal.
- 7.3.5 As regards landscape impact I note that the R314 to the north is a designated scenic route. The visual impact from the R314 is not significant in terms of the protected view and I do not consider that the design per se would form the basis for refusal however I do consider that the cumulative visual impact of ribbon development and its suburban character at this location is of concern.
- 7.3.6 As regards the wider environmental and ecological implications of the proposal I note and concur with the comments of the Senior Executive Scientist of the Environment Section of the Loal Authority regarding the cumulative negative impact of drainage and development on blanket bog habitats from a climate change and biodiversity perspective.

## **7.4 Servicing, Wastewater Treatment, Traffic & Access**

- 7.4.1 As regards traffic and access I note that sightlines are readily achievable and the proposal would not itself constitute a traffic hazard. The cumulative impact of multiple entrances onto the public road is one of the negative features arising from ribbon development as outlined above.
- 7.4.2 As regards servicing it is proposed to connect to the local Derrycorrib / Doohoma 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 in the trial hole excavated to 3m the water table was encountered at 1.9m. Soil/ Subsoil is classified as peat topsoil to 0.5m with a dauby clay grey subsoil of compact blocky structure, and a sandy silt clay at 1.4m. A T value of 58 was recorded and a P value of 63. It is proposed to install a packaged wastewater treatment system and

polishing filter. Due to the size of pipework required for a septic tank or secondary treatment system on its own it was decided to use a tricol peat modules to reduce the footprint on site and a 44sq.m raised bed polishing filter is proposed. I would have concerns that whilst it may be technically feasible to provide for wastewater treatment on the site in accordance with EPA Wastewater Manual standards the concentration of effluent treatment systems in this area and the potential cumulative impacts on groundwater quality and potential for prejudice to public health is notable. I note that this is a “new issue” in terms of the appeal.

## **7.5 Appropriate Assessment**

7.5.1 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 The applicant has submitted a screening report for Appropriate Assessment / Natura Impact Statement as part of the planning application entitled “Screening for Appropriate Assessment Report and Natura Impact statement to inform Appropriate Assessment Proposed dwelling house at Derrynameel, Barnatra, Ballina, Co Mayo by Giorria Environmental Services dated June 2021.

The applicants stage 1 AA 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.

The Applicants AA Screening report concluded that there is potential for significant effects on the Blacksod Bay / Broad Haven Bay SPA or Broadhaven SAC are likely or uncertain. Therefore, the project must proceed to Stage 2 AA.

Having reviewed the documents, 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.

### **7.5.3 Screening for Appropriate Assessment Test of likely significant effects.**

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 is likely to have significant effects on any European Site.

The proposal involves the construction of a dwellinghouse with wastewater treatment system and ancillary site works. The appeal site comprises blanket bog habitat which is listed (when deemed to be active) as a priority habitat in the EU Habitats Directive. Ground vegetation includes rushes, heather, grasses and ferns. 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.

Operational – Diffuse pollution to surface water due to household sewage or wastewater.

#### **7.5.4 European Sites**

The development is not located in or immediately adjacent to a European site. Broadhaven Bay SAC is located within c950m from the site and hydrologically connected via drain to stream to the north of the site which flows directly to the SAC (downstream distance c1050m).

Blacksod Bay Broadhaven SPA is c950m from the site with hydrological connection on site drain which flows downstream (distance c1050m).

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 :

Broadhaven Bay SAC (000472) 950m N

Blacksod Bay / Broad Haven SPA 950m N

Mullet Blacksod Bay Complex SAC (0100470) 1.2km SE.

Carrowmore Lake Complex SAC (000476) 4KN E

Erris Head SAC (001501) 8km N

Glenamoy Bog Complex SAC 000500 9km NE

West Connacht Coast SAC 002998 10kmN

Slieve Fyagh Bog SAC (000542) 11km E

Owenduff Nephin Complex SAC (000534) 12km SE

Carrowmore Lake SPA 004052 5km E

Mullet Peninsula SPA 004227 8km W

Termoncarragh Lake and Annagh Machair SPA 004093 10kmW

Owenduff Nephin Complex SPA 12kmSE

Inishglora and Inishkeeragh Spa 14km W.

#### **7.5.5 Identification of Likely Effects**

The proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. The site of the proposed development is not located in a European site however is within 1km of the Broadhaven Bay SAC and Blacksod Bay / Broad Haven SPA and is hydrologically connected via drain fronting the site. On the basis of absence of source pathway receptor connection to the remaining 12 sites above 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.

As regards In-combination effects the permitted development on the adjoining site 20/294 is noted. There are no known development projects or plans with which significant in-combination effects would arise.

#### **7.5.6 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.

#### **7.5.7 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 has been concluded that there is no likelihood of significant effects to 12 sites within the possible zone of influence. The potential for significant effects to European Sites, the Broadhaven Bay SAC and Blacksod Bay / Broad Haven 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 Broadhaven Bay SAC and Blacksod Bay / Broad Haven 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. The following European sites have been screened out for the need for appropriate assessment.

Mullet Blacksod Bay Complex SAC (0100470)

Carrowmore Lake Complex SAC (000476)

Erris Head SAC (001501)

Glenamoy Bog Complex SAC 000500



West Connacht Coast SAC 002998

Slieve Fyagh Bog SAC (000542)

Owenduff Nephin Complex SAC (000534)

Carrowmore Lake SPA 004052

Mullet Peninsula SPA 004227

Termoncarragh Lake and Annagh Machair SPA 004093

Owenduff Nephin Complex SPA

Inishglora and Inishkeeragh SPA

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

#### **7.5.8 The Natura Impact Statement**

The application included a Natura Impact Statement by Giorria Environmental Services dated June 2021 which examines and assesses the potential adverse effects of the proposed development on the following sites: Broadhaven Bay SAC (00472) and Blacksod Bay / Broadhaven Bay SPA (004037).

The NIS sets out an assessment of potential adverse effects on Broadhaven Bay SAC (00472) and Blacksod Bay / Broadhaven Bay SPA (004037) arising from sediment run off and pollution from the site entering the adjacent stream that flows into Broadhaven Bay and sets out mitigation measures to address potential adverse effects arising from diffuse pollution to surface waters. The conclusion of the NIS was as follows:

“The risks to the safeguarding and integrity of the qualifying interests and conservation objectives of the Natura 2000 site have been addressed by the inclusion of mitigation measures in the Natura Impact Statement that will reduce or eliminate the potential impacts.

Therefore, it is considered that with the implementation of the mitigation measures outlined above, the proposed development will not affect the integrity of the Natura 2000 network.”

I note the considerations of the, Senior Executive Scientist, Environmental Section of the local authority who asserted that without adequate protection implementation of the mitigation measures comprising the culverting of the roadside drain has the potential itself to lead to negative effects and therefore more detailed information in the form of a method statement should be submitted for review before a determination of no significant effects on the Conservation Objectives of nearby Natura 2000 sites can be made.

#### 7.5.9 Appropriate Assessment of Implications of the Proposed Development

This assessment considers aspects of the proposal which could result in significant effects. Mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted AA Screening, the Natura Impact Statement, and the reports on file.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

#### 7.5.10 European Sites

The following sites are subject to Appropriate Assessment

Broadhaven Bay SAC (00472)

Blacksod Bay / Broadhaven Bay SPA (004037).

A description of the sites and their conservation and qualifying interests / special conservation interests, including any relevant attributes and targets for these sites, are set out at Table 7 of the NIS.

#### Relevant Aspects of the Proposed Development

The main aspects of the proposed development that could adversely affect the conservation objectives of the European site are potential pollution from hydrocarbons, sediment and silt laden run off.

Pathways for significant effects on the integrity of the qualifying habitats are identified in relation to the site specific conservation objectives of Mudflats and sandflats not covered by seawater at low tide [1140], Large Shallow inlets and bays [1160], reefs [1170] . *Wetlands. [A999]*. Pathways for species impact relates to water quality impact.

#### Potentially Significant Cumulative Effects

There are no known development projects or plans with which significant in-combination effects would arise.

#### Mitigation

The submitted NIS details the range of mitigation measures intended to be employed as part of the proposed development. These include:

- Culverting of roadside drain and driveway.
- Best practice mitigation measures construction practices to include the provision of spill kits, bunding of petroleum products, drip trays, carefully planned concrete pour and measures to contain contaminated water.
- Installation of certified Tricel Nove PE6 Treatment Plant and puraflo tertiary treatment system to be desludged and maintained annually to ensure proper functioning.
- Much of what is being proposed constitutes best practice construction and operation methodologies.

## Integrity Test

I have noted above the proposed mitigation measures aimed to ensure that significant effects would not result for the qualifying features of the Broadhaven Bay SAC and Blacksod Bay / Broadhaven SPA.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Broadhaven Bay SAC and Blacksod Bay / Broadhaven SPA in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects. Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

### 7.5.11 Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on the Broadhaven Bay SAC and Blacksod Bay / Broadhaven SPA. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site Broadhaven Bay SAC and Blacksod Bay / Broadhaven SPA, or any other European site, in view of the site's Conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects.

The conclusion is based on

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Broadhaven Bay SAC and Blacksod Bay / Broadhaven SPA.
- Detailed assessment of in combination effects with other plans and projects and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Broadhaven Bay SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Blacksod Bay / Broadhaven SPA.

## 8.0 Recommendation

I recommend that permission is refused for the following reasons

### Reasons and Considerations

1. Taken in conjunction with existing housing in the area, the proposed development would create and extend a pattern of undesirable ribbon development along the public road, would constitute an excessive density of housing development in this rural area, would be contrary to the recommendations of the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and the Mayo County Development Plan 2022-2028, would detract from the character of the area, would lead to demands for the uneconomic provision of services and facilities and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector  
08/03/2023