



An
Bord
Pleanála

Inspector's Report

ABP-314699-22

Development	Construct a house, garage, and associated site works. A Natura Impact Statement (NIS) was received with further information.
Location	Cloonmonad, Westport, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21992
Applicant(s)	Brendan O Malley & Cliona Kilmartin.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Brendan O Malley & Cliona Kilmartin
Observer(s)	None.
Date of Site Inspection	8 th February 2023.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to a greenfield site within the townland of Cloonmonad circa 1.6km to the southwest of Westport Town Centre in Co Mayo. The site has an area of .126 hectares and comprises part of a long narrow green field in pasture and bordered by mature trees. The great western greenway runs along the northern boundary. A stream runs to the south and along the south western boundary and ultimately discharges to Westport Bay circa 500m to the west of the site. There is an established two storey dwelling on the adjoining site to the northwest. Access to the site is gained via Quarry Lane off Upper Quay Road.

2.0 Proposed Development

- 2.1. The application as set out involves permission to construct a dwellinghouse (229sq.m) and a garage (50sq.m). The proposed dwelling adopts a barn type barrel roofed format with external finish to comprise corrugated metal to walls and roof. The siting of the dwelling is proposed along the southern site boundary with the garage to the eastern side of the dwelling. Connection is proposed to the public water supply and foul sewer and access via the existing field entrance at the northwestern extremity of the site.

3.0 Planning Authority Decision

3.1. Decision

By order dated 31 August 2022 Mayo County Council issued notification of its decision to refuse permission for the following reasons.

“The proposed development is located on land zoned K Agriculture /High Amenity in the land use zoning map for Westport town in accordance with Objective SSO-13 of the Mayo County Development Plan 2022-2028. At this location developments are considered on their merits and having regard to Rural Housing policies and objectives of the Mayo County Development Plan 2022-2028. Under objective RHO-1 the council may only permit permanent housing needs in such areas where the applicants have demonstrated a social and economic link to the area in which they

wish to build. In this regard, the applicant has not established a genuine housing need at this location in accordance with objective RHO-1. Therefore, it is considered that the proposed development if granted, would constitute haphazard development in a rural area, would militate against the preservation of the rural environment, would lead to demands for the uneconomic provision of public services and communal facilities, would contribute to the erosion of the visual and environmental amenity of the area, and therefore would interfere with the character of the landscape at this location which it is necessary to preserve. Therefore, the proposed development would materially contravene the rural housing policies and objectives of the Mayo County Development Plan 2020-2028 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development and the associated access road which are located within a designated flood risk area, i.e Flood Zone A and where the applicant has not demonstrated to the satisfaction of Mayo County Council if it is possible to carry out works that would allow access to this development site above the 0.5%AEP. Under the “The Planning System and Flood Risk Management Guidelines, prepared by the Office of Public Works and the Department of the Environment, Heritage and Local Government , November 2009” dwellinghouses are deemed highly vulnerable developments. This includes access to dwelling houses. It is therefore considered that the proposed development is in an area which is at risk of flooding, and if granted, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial planner’s report sought additional information to include a site specific flood risk assessment, a revised site layout to demonstrate right of way across the greenway and AA Screening / NIS. Applicant was requested to demonstrate housing need. Clarification was also sought in respect of floor area of garage and all external finishes.

Following submission of additional information refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

National Roads Office Mayo County Council no issues for national road system.

3.3. **Prescribed Bodies**

No submissions

3.4. **Third Party Observations**

No submissions

4.0 **Planning History**

16161 Application to construct dwellinghouse, domestic garage and connection to public services along with all ancillary works. Withdrawn 22/3/2016.

1730 Application to construct dry bed shed along with all ancillary site works. Withdrawn. 16/5/2017

Recent application on landholding ABP310022-21 21/83 sought permission to construct agricultural building and all ancillary site developments. The Board upheld the Planning Authority's decision to refuse on grounds of material contravention of development zoning A1 Residential (Phase 1) and negative impact on residential amenity.

5.0 Policy Context

5.1 National Policy / Guidelines

National Planning Framework (NPF) – Project Ireland 2040 (2018)

Objective 19 of the National Planning Framework states- “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 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”

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

The Planning System and Flood Risk Management Guidelines November 2009. Circular PL2/2014 Flooding Guidelines.

The guidelines are issued under Section 28 of the Planning and Development Act 2000. The aim of the guidelines is to ensure that flood risk is neither created nor increased by inappropriate development. The guidelines require the planning system to avoid development in areas at risk of flooding, unless they can be justified on wider sustainability grounds, where the risk can be reduced or managed to an acceptable level. They require the adoption of a Sequential Approach (to Flood Risk Management) of Avoidance, Reduction, Justification and Mitigation and they require the incorporation of Flood Risk Assessment into the process of making decisions on planning applications and planning appeals. Fundamental to the guidelines is the

introduction of flood risk zoning and the classifications of different types of development having regard to their vulnerability.

Circular Letter PL2/2014 advise on the use of OPW Flood Mapping in assessing planning applications and provides clarification of advice in the Guidelines.

5.2 Development Plan

The Mayo County Development Plan 2022-2028 refers. The Plan states that the land use zoning provisions of the existing town and environs development plan Westport Town and Environs Development Plan 2010-2016 shall continue to be implemented on an interim basis until such time as the local area plans is adopted.

Within the Westport Town and Environs Development Plan 2010-2016 as extended the site is zoned Agriculture / High Amenity. The objective of the Agriculture/High Amenity land use is to protect this area from development other than permitted agricultural uses and to protect the landscape character of this area. This zone consists of a number of landscape areas, which serve an important amenity function. Non-agricultural or other resource based development will not normally be permitted in these areas.

In rural areas under Strong Urban Pressure zoned Agriculture / High Amenity applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their roots in or links to a particular

rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

1. 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. This category of housing needs refers to:

a) Farmers, their sons and daughters and/or any persons taking over the ownership and running of a farm, who wish to build on the family farm.

b) Sons and daughters of non-farming persons who have spent a substantial period of their lives (i.e. at least 5 years), living in the rural area in which they propose to build and wish to build a home near their family place of residence i.e. within 5km (3 miles), in any direction of family residence)

c) Returning emigrants who spent a substantial period of their lives (i.e. at least 5 years), living in the rural area in which they propose to build, who now wish to return to reside near other immediate family members, to care for elderly immediate family members, to work locally, or to retire.

5.3 Natural Heritage Designations

The nearest Natura 2000 site is the Clew Bay Complex SAC is within 350m.

5.4 EIA Screening

Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The first party appeal is made on the following grounds.

- Regarding rural housing policy the applicant Brendan O Malley's family live in Westport town approximately 500m from the site. The applicant owns in excess of 5 hectares at this location which he is actively farming and made recent application for agricultural building on these lands 21/83¹.
- The applicants lived in America and having returned home and living in the family home wish to build a house on their lands. Therefore, the applicant's comply with rural housing need policies.
- Applicant's children are in school locally and integral part of local GAA and soccer clubs.
- Previous application 16/161 was withdrawn.
- Regarding flood risk FRA established that the site levels were satisfactory and proposal would not represent a flood risk. 0.05% flood level is +11.17. All Site levels are above +12.2.

6.2 Planning Authority Response

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

7 Assessment

7.1 I consider that the proposal should be assessed under the following broad headings:

Zoning and Policy Context Principle of Development

Flooding

Appropriate Assessment

¹ ABP310022-21 Refused Refer to Section 4 above

7.2 Zoning and Policy Context Principle of Development.

7.2.1 The appeal site lies within the rural area identified as under strong urban influence as designated on Map 3.1 of the Mayo County Development Plan 2022-2028. The Objective RH-01 sets out that in rural areas under urban influence applicants will be required to demonstrate a social or economic link to the area in which they wish to build. Within the Westport Town and Environs Plan the site is zoned (K) Agriculture / High Amenity. The objective is *“to protect this area from development other than permitted agricultural uses and to protect the landscape character of this area. The zone consists of a number of landscape areas, which serve an important amenity function. Non agricultural or other resource based development will not normally be permitted in these areas.....”*

In rural areas under Strong Urban Pressure zoned Agriculture / High Amenity applicants shall satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their roots in or link to a particular rural area and in this regard, must demonstrate that they comply with one of the following categories of housing need:

1. 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. This category of housing needs refers to:

a) Farmers, their sons and daughters and/or any persons taking over the ownership and running of a farm, who wish to build on the family farm.

b) Sons and daughters of non-farming persons who have spent a substantial period of their lives (i.e. at least 5 years), living in the rural area in which they propose to build and wish to build a home near their family place of residence i.e. within 5km (3 miles), in any direction of family residence)

c) Returning emigrants who spent a substantial period of their lives (i.e. at least 5 years), living in the rural area in which they propose to build, who now wish to return to reside near other immediate family members, to care for elderly immediate family members, to work locally, or to retire.

7.2.2 The above policy approach is consistent with Policy Objective 19 of the National Planning Framework which seeks to ensure that, in providing for the development of rural housing, 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, it is policy 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.2.3 The applicants set out that the family home is circa 500m from the site and that the applicant actively farms the land 5 hectares of which the site forms part. The applicant spent a number of years in America and having returned wish to build the house near family members. I note that the family home is not a rural dwelling as it is within the built up area. I further note that the landholding comprises lands zoned residential phase 1 and phase II within the Westport and Environs Local Area Plan 2010-2016 as extended. Phase I comprises of lands (c.46 ha) required for the plan period (to 2016) and are serviced and adjacent to the built-up area. Lands zoned Residential Phase II comprise of undeveloped lands which are serviced and are within easy reach of the town centre and/or centres of population. As noted at Section 4 above the Board recently refused permission to the current appellant for the construction of an agricultural building on the part of the land zoned A1 residential phase 1 on the basis of material contravention of the zoning objective and negative impact on residential amenity.

7.2.4 On the basis of the submitted information it is evident that the applicants are from the built up area and have no demonstrable economic or social need to live at this specific location. Justification for a non-conforming use in terms of the Agriculture / High Amenity Zoning has not been demonstrated.

7.2.5 As regards the specific zoning objective for the site namely K Agriculture / High Amenity this is in recognition of the important amenity function which it serves. The

adjoining lands to the north (The Great Western Greenway) are zoned H Open Space. I consider that the visual impact of provision of a dwelling on the site and the dilution of the boundary between urban and rural would be detrimental to the character of the area and contrary to the stated zoning objective. A grant of permission would materially contravene the zoning objective of the Westport Town and Environs Development Plan 2016 as extended, would be contrary to the settlement policy as set out within the Mayo County Development Plan 2022-2028 and would not comply with Policy Objective 19 of the National Planning Framework, and would be contrary to the proper planning and sustainable development of the area.

7.3 Flooding

7.3.1 The Council's second reason for refusal was as follows:

Having regard to the location of the proposed development and the associated access road which are located within a designated flood risk area, i.e Flood Zone A and where the applicant has not demonstrated to the satisfaction of Mayo County Council if it is possible to carry out works that would allow access to this development site above the 0.5%AEP. Under the "The Planning System and Flood Risk Management Guidelines, prepared by the Office of Public Works and the Department of the Environment, Heritage and Local Government , November 2009" dwellinghouses are deemed highly vulnerable developments. This includes access to dwelling houses. It is therefore considered that the proposed development is in an area which is at risk of flooding, and if granted, would be contrary to the proper planning and sustainable development of the area.

7.3.2 I note the flood risk assessment submitted in response to the request for additional information and compiled by John G Gill. The report notes that by reference to CFRAM predictive flood maps a portion of the site at the western extremity adjacent to the stream is subject to flooding. The sources of flooding arise from fluvial flooding from adjacent stream and pluvial flooding from rainfall and surface water runoff. The report assert that while CFRAM mapping indicates a small portion of the site is subject to fluvial flooding during the 1 in in 100 year flood events, works proposed

are above the estimated design flood levels. It is asserted that there will be no change in flood storage volume however no analysis is provided in this regard.

7.3.3 The Planning System and Flood Risk Management Guidelines (2009) and circular PL2/2014 describe good flood risk practice in planning and development management. The guidelines recommend a precautionary sequential approach to spatial planning promoting avoidance rather than justification and subsequent mitigation of risk. Part of the site including the proposed entrance is located within the floodplain of the stream flood zone A – High probability of flooding where development should be avoided and only considered in exceptional circumstances and where the justification test has been applied. Only water compatible development would be considered appropriate within this zone. The proposed development of a dwelling which is a highly vulnerable development within flood zone A would be contrary to the advice the Planning Guidelines would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

7.4 Appropriate Assessment

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

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

Background to the application

On the issue of appropriate assessment, a Screening Assessment and Natura Impact Statement by Giorria Environmental Services was submitted in response to the request for additional information. The appropriate assessment screening report provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential pathways and impacts, and assesses the significance of potential impacts.

The applicants AA screening report concluded that based on the direct hydrological link from the site to the Clew Bay Complex SAC (Site Code 001482) there is potential for significant effects as a result of the proposed development, alone or in combination with other plans and projects in the area, and therefore a Natura Impact Statement is required.

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

7.4.2 Screening for Appropriate Assessment – Test of likely significant effects

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

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

Description of Development

The applicant provides a description of the project in Section 3 of the AA Screening Report. In summary, the proposal comprises the construction of a 5 bed two storey dwellinghouses with a floor area of 113sq.m and garage 50sq.m and all associated site development works.

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

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

Submissions and observations.

No submissions raise specific issues with regard to impact on European sites. .

7.4.3 European Sites

The development site is located within 350m of the Clew Bay SAC Site Code 001482. Six 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 :

Natura 2000 Site	Site Code	Distance
Clew Bay Complex SAC	001482	300m
Brackloon Woods SAC	000471	8km
Mweelra / Sheeffry /Erriff Complex SAC	001932	8l,m
Newport River SAC	002144	9km
Owenduff Nephin Complex SAC	000534	14km
Oldhead Wood SAC	000532	14km
Owenduff Nephin Complex SPA	004098	14km

7.4.4 Identification of Likely Effects

The site of the proposed development comprises a greenfield. 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 a small stream running along the western end and to the south of the site flows into Clew Bay circa 310m downstream of the site. On the basis of absence of source pathway receptor connection to the remaining 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 run off including during construction activities and species disturbance.

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

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.

7.4.5 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 six sites within the possible zone of influence. The potential for significant effects to European Sites, the Clew Bay Complex SAC, 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 Clew Bay Complex SAC in view of its 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.

Natura 2000 Site	Site Code
Brackloon Woods SAC	000471
Mweelra / Sheeffry /Erriff Complex SAC	001932
Newport River SAC	002144
Owenduff Nephin Complex SAC	000534
Oldhead Wood SAC	000532
Owenduff Nephin Complex SPA	004098

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

7.4.6 The Natura Impact Statement

The Natura Impact Statement examines and assesses the potential adverse effects of the proposed development on the following sites:

Clew Bay Complex SAC (Site Code 001482)

The NIS sets out an assessment of potential adverse effects arising from potential mobilisation of sediments, fuel spillage or leakage use of concrete products resulting in pollution run off to the bay and also sets out mitigation measures to address potential adverse effects arising from diffuse pollution to surface waters. The conclusion of the NIS was as follows:

“In the light of the best scientific knowledge in the field, all aspects of the proposed project which, by itself, or in combination with other plans or projects, which may affect the relevant European sites have been considered.... In the light of the conclusions of the assessment which it shall conduct on the implications for the European sites concerned, the competent authority is enabled to ascertain that the proposed project will not affect the integrity of the European sites concerned.”

I note the considerations of the local authority Planner, outlined in the Natura Impact Statement Report August 2022 appended to planning report dated 31 August 2022, which was that “On the basis of the information provided with the application, including the NIS, it can be determined that the proposed project will not impact

negatively on River Moy SAC Site Code 002298². Therefore, under part XAB 177(U) of the Planning and Development Acts 2000 as amended, Mayo County Council as the competent authority determined that the appropriate assessment (Stage 2) Natura Impact Statement was required. This was submitted on 04/04/2022 as part of this application and concluded that nature and scale of the proposed project is small, therefore, by itself or in combination with other plans and projects (no reference was made to the adjoining development P22/184) there will be not ne significant impact on the Natura 2000 sites as identified in the report.

Mayo County Council having completed an Appropriate Assessment Screening Report in accordance with Article 6(3) of the EU Habitats Directive and Section Part XAB of the Planning and Development Acts, 2000 as amended and the submission of the Appropriate Assessment (Stage 2) Natura Impact Assessment; and having regard to the nature and scale of the proposed development, the nature of the receiving environment and the mitigation measures set out in the course of the planning application, hereby determines that it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have significant effects on a European site.

7.4.7 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.

² Assumed to be a typo and should stated Clew Bay SAC

EC (2018) Managing Natura 2000 sites.

7.4.8 European Sites

The following sites are subject to Appropriate Assessment

Clew Bay Complex SAC

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 Section 4 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, wet cement 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*.

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:

- Construction compound to be located away from the stream.
- Sediment control measures Silt fence.
- Concrete control measures
- Bunding of fuel storage.
- No refuelling within 50m of watercourse.

- Emergency spill kits and drip trays.
- Maintenance of plant and equipment.
- Biosecurity measures.

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 Clew Bay Complex SAC.

In relation to the **Clew Bay Complex SAC** the conservation objective is to maintain or restore the favourable conservation condition of the protected habitats and species. The project is not within the SAC and therefore no direct impacts are predicted. In relation to indirect impact to Annex 1 habitats, 1140 Mudflats and sandflats not covered by seawater at low tide, 1160 Large shallow inlets and bays the pathway for adverse effect during operational and construction phase relate to potential water pollution risks as a result of disturbance of soil and mobilisation of sediments on site, fuel spillage or leakage, use of concrete during construction draining to the bay and protected habitats.

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.

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 Clew Bay Complex SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.4.9 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 Clew Bay Complex SAC Site Code 001482. 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 Clew Bay Complex SAC 001482, 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 Clew Complex SAC
- 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 Clew Bay Complex SAC.

8 Recommendation

8.1 Refuse permission for the following reasons:

9 Reasons and Considerations

The site is located on lands zoned Agriculture / High Amenity within the Westport Town and Environs Development Plan 2010-2016 as extended where the policy is to protect this area from development other than permitted agricultural uses and to protect the landscape character of this area. The site falls within the rural area under Strong Urban Pressure around Westport where in accordance with the Mayo County

Development Plan 2022-2028 and National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018, the policy is 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 that the applicant has sufficiently demonstrated that they have a rural-generated housing need. The Board considers that the proposed development would contribute to the encroachment of random development in the area, would interfere with the character of the landscape at this location, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would contravene materially the zoning and development objectives of the development plan and would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within a floodplain, flood zone A – High probability of flooding, where, in accordance with The Planning System and Flood Risk Management Guidelines 2009, development should be avoided and only considered in exceptional circumstances and where the justification test has been applied. The proposed development of a dwelling, a highly vulnerable development, within flood zone A would be contrary to the advice the Planning Guidelines would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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.

Bríd Maxwell
Planning Inspector

09th June 2023