



An
Bord
Pleanála

Inspector's Report

ABP-320282-24

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| Development | Construction of a dwelling, garage, proprietary effluent treatment system and all associated site works. |
| Location | Houndswood North, Cong, Co. Mayo |
| Planning Authority | Mayo County Council |
| Planning Authority Reg. Ref. | 24/60313 |
| Applicant(s) | Catherine O'Brien & Sean Cosgrove |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party V. Grant |
| Appellant(s) | Martin Mellett |
| Observer(s) | None |
| Date of Site Inspection | 18th day of April 2025 |
| Inspector | Fergal O'Bric |

1.0 Site Location and Description

- 1.1 The appeal site is located within the rural townland of Houndswood north, approximately eleven kilometres south of the town of Ballinrobe and three kilometres south of the rural settlement of Cross. The surrounding landscape is primarily one of undulating rural countryside with sporadic instances of one-off housing and agricultural outbuildings.
- 1.2 The appeal site comprises three agricultural fields and has a stated area of 2.35 hectares, is rectangular in shape and comprises a greenfield site where the site levels rise gradually in a northerly direction away from the adjoining public road, rising from 34.2 metres OD to 35.2 metres OD Malin Head. The main part of the development would occur in the south -easterly field, in terms of the site access and the dwelling, however the domestic garage would be located in the south-easterly field and part of the hardstanding are around the perimeter of the house encroaches within the northern field.
- 1.3 The appeal site is accessed from the public road, the L5661, which in turn is accessed from the R334 further west of the appeal site, The R334, links the town of Ballinrobe in south Mayo with Headford in north Galway. The L5661 has a carriageway width of approximately 3.5 metres is located to the south of the appeal site. There are undeveloped agricultural lands to the north and west of the appeal site east and a number of one-off residential dwellings further south-west, south and south-east of the appeal site on the opposite side of the L5661 and also further east of the appeal site. There are no designated protected views, protected structures nor recorded monuments within the appeal site boundary nor in the vicinity of the appeal site.

2.0 Proposed Development

- 2.1 The development would comprise the construction of a dwelling house with a stated floor area of two hundred and sixty-two square metres (sq. m) and a maximum ridge height of approximately 7.1 metres. A single storey detached domestic garage is also proposed, with a stated floor area of 46 sq. m and a maximum ridge height of 5.4 metres. External finishes as deciphered from the images submitted appear to

include blue/black roof slates with a rendered finish. The applicants propose to install a proprietary wastewater treatment system.

- 2.2 Access to the site would be from the adjoining public road, the L5661. It is proposed to install a proprietary wastewater treatment unit and infiltration system whilst a water supply would be via a connection to the public watermain.
- 2.3 The Planning Authority (PA) conducted an Appropriate assessment (AA) screening and concluded that the 'proposed, development by itself or in combination with other development in the vicinity would not be likely to have a significant adverse effect on European site (s). Therefore, a stage 2, full Appropriate Assessment is not required.
- 2.4 The applicants state that they are the owners of the appeal site.

3.0 Planning Authority Decision

3.1 Decision

Planning permission was granted by the Planning Authority on the 15th day of July 2024 subject to twelve conditions. The pertinent conditions are considered to be the following:

Condition number 2-That the dwelling re re-orientated to face directly onto the L5661 and that it be reduced in height to single storey.

Condition number 3: The Finished floor level of the dwelling shall be 34.95 metres OD Malin Head.

Condition number 4: Set back of entire extent of roadside boundary.

Condition number 5: Surface water management.

Condition number 6: Wastewater installation, treatment and management.

Condition number 9: External finishes.

Condition ten: Landscaping

Condition 11; Use of garage for domestic storage purposes only.

Condition number 12: Development Contributions.

3.2 Planning Reports

The Planning Officers report dated the 12th day of July 2024 set out the following.

- The site is not classified as being within 'an area of urban influence' and is located within a 'remaining rural area'.
- The development is generally compliant with the policy requirements of the Mayo County Development Plan.
- The subject site is relatively flat and there are no scenic views in the area. The Planning Authority raised concerns over the design of the dwelling and recommended that that in the event that planning permission is being granted that the dwelling be reduced to single storey and re-oriented to be parallel with the L5661 county road.
- The Ballinrobe Area Engineer was satisfied with the access proposals.
- Applicants are proposing a connection to a local Group Water scheme and a letter of consent to connect to same has been submitted.
- The Site Characterisation Report states that the site is suitable for the discharge of wastewater to ground.
- Surface water on site will be managed by means of soakpits.
- A Grant of planning permission was recommended, as set out in Section 3.1 above.

3.3 Other Technical Reports

Ballinrobe Area Engineer: The AE has assessed the access proposals and deemed that they are satisfactory subject to conditions.

3.4 Prescribed Bodies

None received.

3.5 Third Party Observations

One received. This was received from a neighbouring resident who raised the following issues:

- The access road is narrow, and the construction traffic would cause a traffic hazard at the junction onto the R334
- The development would be located on an elevated part of the site would be visually obtrusive within the local landscape.
- The dwelling could be relocated within the site to a less prominent location.
- Sightlines from the entrance point are substandard and would not accord with the sightline standards set out within the Development Plan.
- There are rock outcrops within the site, and this would affect the ability of a wastewater treatment system to work effectively and could result in environmental pollution.

4.0 Planning History

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy and Context

5.1 Mayo County Development Plan, 2022-2028

Chapter 2-Core and Settlement Strategy.

CSO 5 To encourage where possible the delivery of 30% of new homes in urban areas within the existing built-up footprint of settlement.

CSO 6 To deliver at least 20% of all new homes in the rural area on suitable brownfield sites, including rural towns, villages and the open countryside. For the purpose of clarity, rural towns/villages are settlements with population levels less than 1,500 persons.

Section 2.8.11 sets out the following in relation to the rural countryside:

“The rural countryside is and will continue to be a living and lived-in landscape focusing on the requirements of rural economies and communities, while at the same time avoiding inappropriate development from urban areas and protecting environmental assets”.

“A single category mixed-use zoning applies to the rural village plans i.e., Rural Village Consolidation Zoning. A similar approach is adopted for Tier IV Rural Settlement Plans. These rural villages provide a choice for those who wish to live in a rural setting but not in the rural countryside”.

Chapter 3: Housing

Section 3.4.8 Rural Single Housing

The Plan makes a distinction between ‘Rural Areas under Strong Urban Influence’ and ‘Remaining Rural Areas’. Map 3.1 delineates the ‘Rural Areas under Strong Urban Influence’. The factors of density per square km where greater than 30 inhabited units per square kilometre were considered the most appropriate indicators to establish ‘Rural Areas under Strong Urban Influence’ and ‘Remaining Rural Areas’.

Within Map 3.1, the appeal site is not identified as being within a Rural Area under Urban Influence. Therefore, by default, the appeal site is located within Category 2 - Remaining Rural Areas: These areas comprise of all other rural areas outside of the identified pressure areas under strong urban influence. It is recognised that sustaining smaller community areas is important and as such, it is considered appropriate to encourage rural housing in accordance with the principles of proper planning and sustainable development. In these areas, the Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network.

The sensitive reuse, refurbishment and replacement of existing rural dwellings is also recognised as a vital element in maintaining the vibrancy of the countryside.

The following Rural Housing policies and objectives are considered pertinent:

RHP 4: To ensure that future housing in rural areas have regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG) or any amended or superseding guidelines-

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 5: To advise all rural housing applicants to utilise the Design Guidelines for Rural Housing (Mayo County Council) and core principles of same

Chapter 10: Natural Environment

Map 10.1 identifies the appeal site as being within Policy Area 3. Rural dwellings would have a medium potential to create adverse effects on the landscape character

Table 10.1 Landscape sensitivity matrix sets out that rural dwellings are deemed to have a medium potential to create adverse impacts upon the landscape character of the area.

The Design Guidelines for the single rural houses have been adopted and are included within Volume 4 of the Mayo County Development Plan 2022-2028. are also considered relevant.

Volume 2, Section 7.6 Access visibility requirements.

The standards set out for roads with the 60 km/h speed limit is that the x-distance (set back) from the edge of the adjoining carriageway recommended is 3 metres and that y and z distances (sight and stopping distances) of 90 metres are required.

5.3 Sustainable Rural Housing Development Guidelines

The Guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. Section 2.2 pertains to 'Sustaining and renewing established rural communities'. A number of rural area typologies are identified including rural areas under strong urban influence and remaining rural areas. Areas under urban influence are defined as those in proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the

types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas.

5.4 National Planning Framework

The revised National Planning Framework (NPF) was published in April 2025. The following is set out in relation to rural housing:

National Policy Objective 24 is to: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

National Policy Objective 28: 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.

5.5 Natural Heritage Designations

The closest Natura 2000 sites are the Lough Corrib Special Area of Conservation (SAC-site code 000297 located approximately 1.56 kilometres west of the appeal site and the Macorha Lough Special Area of Conservation (SPA-site code 001536 located approximately 2.1 kilometres north-east of the appeal site at its closest point.

There are no surface water pathways to any other European sites which are all located a minimum of five kilometres removed from the appeal site boundary.

5.6 Environmental Impact Assessment-Preliminary Screening

Please see Appendix 1 at the end of this report. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal against the Planning Authority's decision to grant planning permission has been received. The main issues raised within the appeal include the following:

Access and traffic:

- The sightlines included within the planning documentation are not in accordance with road design best practice in terms of the setback distance from the carriageway edge (x-distance).
- Sightline visibility should be between 90 and 120 metres as per the County Development Plan standards,
- Sightlines of 67.58 metres in a westerly direction are demonstrated and provides a serious danger.

Visual Impact:

- The dwelling design would represent an unsightly feature when viewed from the local road and the adjacent regional road.
- The design has been copied from someone else's plans, is not site-specific and the dwelling would be located in the middle of the field.

- There are other locations within the holding where the dwelling would be better assimilated within the landscape.
- The visual impact would result in a reduction in value of neighbouring landowners' property.

Site Services:

- The appeal site is located on a large limestone outcrop,
- The trial hole assessments were carried out in one visit and are not accurate.
- The Planning Department did not properly assess the suitability of the site for the disposal of foul effluent.
- There is a Special Area of Conservation (SAC) nearby and the PA did not screen the site for AA.
- Is a 1.5 kilometres separation distance enough from a Natura 2000 site for it not to be considered/screened?
- Was there a pre-connection enquiry or feasibility study conducted in relation to the proposed watermain connection?
- No provision has been made for storm water attenuation within the proposals, and surface water may travel onto the public road and/or neighbouring properties.

6.2 Planning Authority Response

No comments in relation to the appeal were received from the Planning Authority.

6.3 First Party Response to third party appeal submission

- The appeal site is located within a 'Remaining rural area' where new housing is encouraged.
- The sight distances at the entrance point have been demonstrated in accordance with the requirements as set out within Section 7.6 of the current Mayo County Development Plan 2022-2028.
- The design of the dwelling has been carefully considered.
- The dwelling design and location were selected to minimise visual impact and respecting the surrounding landscape by integrating within the rural setting.

- The site suitability assessment was carried out by suitably qualified professionals and the site has been deemed suitable for the disposal of effluent in accordance with best practice environmental standards.
- The Planning Authority conducted an AA screening and determined that the 1.5-kilometre separation distance from the Lough Corrib SAC is sufficient to mitigate any significant impact.
- The necessary enquiries and feasibility studies have been conducted to ensure that the dwelling could be connected to the local water supply.
- Details of stormwater management measures are proposed in the form of permeable paving and soakaways and these will ensure that no surface water will run onto the local public road nor any of the neighbouring lands.

7.0 **Assessment**

7.1 The main issues in this appeal relate to the issues raised in the grounds of the appeal and relate primarily to access and traffic, dwelling design and siting, visual impact and servicing of the site. However, I will also address the issue of compliance with National and Local Rural Housing Policy. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Rural Housing Policy.
- Access and Traffic
- Design and Layout
- Site Services
- Appropriate Assessment.

7.2 **Rural Housing Policy**

7.2.1 National Planning Objective 28 within the revised National Planning Framework (2025) requires that in rural areas elsewhere (those not under urban influence), planning authorities should facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory

guidelines and plans and having regard to the viability of smaller towns and rural settlements.

7.2.2 The subject site is located in an area designated as being within 'A remaining rural area' within the current Mayo County Development Plan 2022-2028 and, therefore, not under Strong Urban Influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities. The relevant local planning policy document is the Mayo County Development Plan (MCDP) 2022-2028, which was adopted on the 29th day of June 2022 and became operational on the 10th day of August 2022. Therefore, this assessment will make reference to the policies and objectives of the current MCDP 2022-2028.

7.2.3 Section 2.4.1 of the MCDP outlines a settlement hierarchy with the three tier 1 towns of Castlebar, Ballina and Westport being the main focus for development. Ballinrobe is classified as one of the tier 2 towns, self-sustaining growth towns. There are smaller designated tier 3, 4 and tier 5 rural villages and rural settlements. However, Houndswood North is not identified as being either a Rural Village or settlement within the Development Plan. The nearest designated settlements to the appeal site is the rural settlement of Cross located approximately three kilometres to the north of the appeal site and the urban settlement of Ballinrobe located approximately eleven kilometres north of the appeal site. The Development Plan states that it will 'Focus on protecting and consolidating existing settlements'. Section 3.4.8 sets out that the Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network.

7.2.4 I note that the current Development Plan within Policy Objective RHP 4 sets out the following: The appeal site is located in a 'Remaining Rural Area' as opposed to an 'Area under strong Urban influence'. As per the Development Plan, there is no specific requirement to demonstrate one's intrinsic social/economic ties to a rural area or a requirement to demonstrate that one is part-time or full-time employed within the particular rural area. The requirements set out within RHP 4 are that applicants submit an appropriate design and layout for the rural dwelling proposal in accordance with local Guidelines, which in this instance is the Mayo 'Rural housing Design Guidelines' as set out within Volume 4 of the current County Development

Plan. The applicants are not required to submit any documentation to demonstrate their social/economic ties to the local area. Therefore, notwithstanding the applicants are noted to be residing in the southern part of the Country, there is no requirement for them in this instance to demonstrate their local social and economic ties to the Houndswood North areas. The Development Plan facilitates people with urban based backgrounds to reside in the 'remaining rural areas' which includes Houndswood North. The issue of siting and design will be addressed below in detail within Section 7.3 of this assessment.

7.2.5 Rural housing Objective RHO2 is applicable in this instance where '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 (See RHO 3 below)'. The appeal site is not located along any of the designated scenic routes nor views nor within a coastal nor lakeshore area as designated within the Development Plan.

7.2.6 In conclusion, it is considered that the proposed development would accord with the provisions of the RHP4 policy objective and the RHO2 objective as set out within the current Development Plan, would be in accordance with the proper planning and sustainable development of the area. However, the specific issues of access and traffic, siting and design, wastewater treatment as well as Appropriate assessment will be considered in detail within the assessment below.

7.3 Access and traffic

7.3.1 Access to the appeal site is from a local county road, the L5661 where the 60 kilometre per hour speed control zone applies. Table 4 'Access Visibility Requirements' within Section 7.6 of the current Mayo County Development Plan, Volume 2 sets out the sightline requirements pertaining to the various road category types. In relation to local roads (which includes the L5661) where the sixty kilometre per hour speed control zone applies, an x-distance (set back) of three metres should be achieved, but that this can be relaxed to 2.4 metres, and the recommended y and z (sight and stopping distances) is 90 metres. The applicants have submitted details of sightlines (Drawing P09), whereby sightlines of 67.58 metres in a south-westerly

direction and 121.5 metres in a north-easterly direction from the entrance point would be achieved. From drawing P09, it is unclear what extent of the roadside dry stone wall boundary is proposed to be removed to achieve these sightlines. Neither is it clear what the set-back distance (x-distance) from the edge of the carriageway is proposed in order to achieve the stated sightlines.

- 7.3.2 The Planning Authority within its decision, specifically planning condition number 4 requires that the full extent of the roadside (fenced) boundary be removed over the entire site frontage, comprising 179 metres and that a new boundary wall be erected and set back a minimum distance of three metres from the nearside edge of the existing carriageway. This requirement is in contrast to the Site Layout Plan (drawing number P07a) submitted by the applicants which states that the roadside boundary is 'to comprise the existing dry-stone wall', thereby retaining the roadside boundary wall. I consider that the removal of this considerable extent of natural dry stone wall roadside boundary to achieve sight distances to be excessive and would erode the natural character of this rural area, would establish an undesirable precedent where our natural walled boundaries are part of our local built heritage and character should be retained, where possible.
- 7.3.3 The Local Authority Area Engineer outlined no objections to the access proposals subject to a number of conditions. I note that the planner within their report referenced a fenced boundary, however, the existing roadside boundary currently comprises a natural dry stone wall boundary. Notwithstanding the appeal site is located on a relatively lowly trafficked road, applicants are required to demonstrate 90 metres sightlines from the three-metre set back and drawing number P09 fails to demonstrate this standard nor the x-distance. The Development Plan sets out that lands within the sight distance triangles shall be within the control of the applicant and shall be subject of a formal agreement with the adjacent landowner which ensures certainty that the applicant is in a position to comply with the relevant condition and/or standard.
- 7.3.4 In order to achieve the necessary sightlines would require the removal/setting back of the roadside boundary, The sightlines demonstrated (as per drawing P09) and achievable in a south-westerly direction are considerably below the Development

Plan standards as set out within Section 7.6 of the Plan, Volume 2, achieving only approximately 75% of the recommended standard. Given that sightlines/stopping distances have not been demonstrated in accordance with the Development Plan standards, and in any event that to achieve the requisite sightlines would require the removal of a significant length of the existing dry roadside stone wall boundary which is not considered desirable and would establish an undesirable future precedent and, therefore, I consider that planning permission should be refused on these grounds.

- 7.3.5 In conclusion, given that the necessary sight/stopping distances have not been demonstrated, although they may be achievable, it is unclear from the planning documentation submitted, if the development has the potential to compromise the safety and efficiency of the local road network at a location where the 60km/h speed limit applies. I am of the opinion that the development would generate additional vehicular movements which would intensify the level of traffic that would be generated on the local road network. There would be an increase in trips that would be generated by the day-to-day activities of the applicants, trips generated by other services, utility providers attending the site or visitors driving to/from the site. Given that the necessary sightlines/set back distances have not been demonstrated in accordance with Development Plan/best practice road safety standards, I am of the opinion that the development, if permitted, would result in the creation of a traffic hazard.

7.4 Design and Layout

- 7.4.1 The applicants have submitted details of a four-bedroom dwelling which provides for a u-shaped dwelling with floor area of 262 square metres and a maximum ridge height of 7.1 metres with two wings either side of the main dwelling set back and providing a lower ridge height of approximately 5.1 metres. There are also two returns onto the rear of the dwelling incorporating a kitchen/dining area to the west and bedroom space to the east. The dwelling would have an overall length of 22.73 metres and a depth of 16.3 metres. The elevations comprise a mixture of vertical fenestration detailing and door opens with a strong vertical emphasis. Precise details of the external finishes have not been provided, though the images of the dwelling would appear to depict a render type finish. The main part of the dwelling itself

would be acceptable in principle however, the over complicated form of the dwelling with the additional side wings and two returns to the rear make the design and layout overcomplicated which is particularly evident from the photographic images of the rear and side elevations submitted as part of the planning documentation. I note that there is also a discrepancy on the western (side) elevation between the floor and elevation plans in relation to the kitchen/dining area, where the elevation plan demonstrate an additional window/door ope and this is not included within the floor plans drawings.

7.4.2 I note that the Local Authority Planner in their report raised issues in relation to the design and layout and specifically in relation to the ridge height and orientation of the dwelling. The PA included a condition, (condition number 2) seeking that the height of the dwelling be reduced to single storey and the dwelling be reoriented to front towards the local public road, the L5661. A maximum ridge height of 7.1 metres is proposed. The section and roof plans submitted would indicate that there is sufficient room at attic level to allow for a potential future conversion of this area to provide for habitable accommodation. I am of the opinion that the design is over complicated and would benefit from being simplified in order to accord with the provisions of Section 3 of the Mayo Rural Design Guide pertaining the building form, as included with Volume 4 within the Mayo County Development Plan. This section of the guidelines encourages more traditional narrow plan designs but also provides for high quality contemporary architectural design. The optimum depth of a dwelling within the design guidelines is stated to be approximately six to seven metres, with the current proposals having a depth of in excess of sixteen metres. I am of the opinion that the non site-specific dwelling design would not be consistent with the core design principles as set out with the Mayo Rural Housing Design Guidelines, and specifically Section 3 in relation to rural dwelling house built form.

7.3.3 The proposed dwelling would be located approximately 47.5 set back from the roadside boundary. The layout as presented would encompass parts of all three of the agricultural fields and also bisect an existing internal stone walled boundary to the east to facilitate the development of the hardstand area and the domestic garage. The layout, as presented would lead to the development of a lengthy hard surfaced driveway and the laying of a significant amount of hardstand around the

perimeter of the dwelling. This layout as proposed, would not be consistent with the character of the area, where dwellings have considerably shorter driveways and neighbouring dwellings are located parallel to the adjoining public roadway. The layout as proposed, would establish an undesirable precedent and would erode the rural landscape in which the appeal site is located.

- 7.3.4 The Site Layout Plan submitted illustrates the dwelling being angled in a north-east to south-west direction and would not be parallel to the local public road, the L5661. The PA included a s part of condition number 2 that the dwelling front directly onto the L5661 so that the front elevation would be parallel with the local public road. This is a matter that could be conditioned, if the Board deem appropriate.
- 7.3.5 I note that the levels of the proposed dwelling would be approximately one metre above those of the local road. I am satisfied that subject to a suitable design being presented and detailed landscaping proposals being proposed that a dwelling at this location would be acceptable in principle and would not adversely impact upon the local landscape.
- 7.3.6 In conclusion, I consider that the dwelling design as presented is overcomplicated and would not conform with the core guiding principles as set out within the current Mayo Rural Housing Design Guidelines, and specifically Section 3 in relation to rural dwelling house form. The layout as presented would result in land wastage, as it would span across three agricultural fields and is set back a considerable distance from the local county road in an angled position. The design and layout would establish an undesirable precedent and would be contrary to the proper planning and sustainable development of the area and would not be in compliance with the provisions of RHO5 in relation to complying with the core principle within the current Mayo Rural Housing Design Guidelines.

7.5 Site Servicing

- 7.5.1 The applicant's Site Characterisation Report identifies that the appeal site overlies locally Important Aquifer where the bedrock vulnerability is classified as 'extreme'. A Ground Protection Response of R2 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to condition: (1) That there is a minimum depth of 2 metres of unsaturated

soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).

- 7.5.2 The trial hole depth referenced in the Site Characterisation Report (SCR) was 2.2 metres. It is acknowledged within the SCR that bedrock was encountered within the trial hole at 1.2 metres. No water was observed in the trial hole. The soil conditions found in the trial hole were stated as comprising clayey gravel to a depth of 1.2 metres with a number of boulders and bedded limestone were encountered at 1.2 metres below ground level. Percolation test holes were dug and pre-soaked. An average T value of 24.67 was recorded. A P test was carried out and an average P value of 11.64 was recorded. The EPA CoP 2021 (Table 6.4) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater.
- 7.5.3 The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of wastewater, it is proposed to install a packaged wastewater treatment system and polishing filter
- 7.5.4 The Planning Officer did not raise any particular issues in relation to the wastewater treatment proposals. I would concur that the proposals as submitted within the Site Characterisation Report, and I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA code of Practice in relation to wastewater treatment systems serving single houses in the Countryside.
- 7.5.5 I note that the applicants are proposing to tap into the local Funshone Cross Group Water scheme (GWS) and a letter of consent from the treasurer of the local GWS has been submitted consenting to a connection to the scheme has been provided and that the connection will be competed at the applicants own expense. This is considered acceptable.
- 7.5.6 In terms of surface water management, the applicants have illustrated the locations of two soakaways into the east and west of the access driveway in the front garden area. No specific details of these soakaways have been provided. However, these

are matters that could be conditioned in the event that a grant of permission is being considered

7.6 Appropriate Assessment

7.6.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 1.56 kilometres east of the Lough Corrib Special Area of Conservation (SAC-site code 000297 approximately 2.1 kilometres south-west of the Mocarha Lough Special Area of Conservation (SPA-site code 001536). The development description was set out within Section 2 of the report above. The appellant referenced an SAC in a nearby lake in general terms and the potential for an adverse impact to arise upon the European site. No particular SAC was mentioned nor is there any specific mention of a pathway existing between the two. The applicants did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an AA screening exercise and concluded that 'due to its locations outside of any designated European sites.....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 site (s).

7.6.2 There are no watercourses nor drainage ditches located within the confines of the appeal site nor in the vicinity of the appeal site. The nearest streams are located approximately eight hundred metres south of the appeal site and approximately five hundred and ninety metres west of the appeal site, on the opposite side of the R334 regional route. Therefore, I am satisfied that the appeal site is not hydrologically connected to the west or south of the site by means of a surface water pathway.

7.6.3 Two European sites were identified within a three-kilometre radius of the appeal site, as referenced in Section 7.6.1 above. I consider that these sites can be screened out due to the absence of surface water hydrological or ecological pathways from the

appeal site to these European sites and the separation distance to these particular European sites.

7.6.4 I am satisfied that once the proposed wastewater treatment system would be installed, commissioned, operated and maintained in accordance with best practice standards as set out within the EPA Code of Practice for domestic wastewater Treatment Systems, 2021 and given that the site would be connected to a watermain system, that no adverse impacts on water quality, or the qualifying interests or conservation objective of these particular European sites would arise.

7.6.5 I am satisfied that with the implementation of the standard control construction measures including those of surface water management, referenced within Section 7.5.6 of my report above will not result in the development of the dwelling adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to Lough Corrib or Lough Macorha represents a weak ecological connection, given the separation distance to the nearest European sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Lough Corrib and/or Lough Macorha SAC, s unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is concluded that the proposed development either by itself or in combination with other development in the vicinity would be no likely significant effect on European site(s)'.

7.6.6 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to these two or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the construction of a rural dwelling, domestic garage, and wastewater treatment system.

- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

7.6.7 I conclude that on the basis of objective information, that the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

8.0 Recommendation

I recommend that planning permission be refused.

9.0 Reasons and Considerations

- 1 The site of the proposed development is located within a 'Remaining Rural Area' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Mayo Rural Housing Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the somewhat elevated positioning of the proposed dwelling, together with its excessive depth and overcomplicated form, the resulting extensive driveway and the removal of the extensive length of the front dry stone wall boundary, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would establish an undesirable precedent for other such located development in the vicinity. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

- 2 It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a local road at a point where sightlines are restricted in a south-westerly direction.

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.

Fergal Ó Bric

Planning Inspectorate

22nd day of May 2025.

Appendix 1 - Form 1

EIA Pre-Screening

| | | | |
|--|--|--|---|
| An Bord Pleanála Case Reference | 320282-24 | | |
| Proposed Development Summary | Permission for construction of a dwelling, domestic garage, proprietary wastewater treatment system and all associated site works. | | |
| Development Address | Houndswood North, Cong, Co. Mayo | | |
| 1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | x |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | Tick/or leave blank | | |
| No | Tick or leave blank | The construction of a dwelling does not fall within a class of development as per the P & D Regulations. | x |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | Tick/or leave blank | | |
| No | Tick/or leave blank | | X |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
|---|---------------------------|--|---|
| Yes | Tick/or leave blank | Proposals relate to the retention of minor changes to elevations of the permitted dwelling including amended fenestration. | X |

| 5. Has Schedule 7A information been submitted? | | |
|--|---------------------|---|
| No | Tick/or leave blank | X |
| Yes | | |

Inspector: _____ Date: _____