



An
Bord
Pleanála

Inspector's Report ABP-320305-24

Development	Construction of on-site waste water treatment system together with ancillary site development works. A Natura Impact Statement (NIS) has been submitted with this application.
Location	Tawnaghmore, Foxford, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	2460003
Applicant(s)	Janice Willis.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John & Nora Mallon.
Observer(s)	None.
Date of Site Inspection	31/01/2025.
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The appeal site is located on elevated lands overlooking the shores of Lough Conn to the west. The R310 Regional Route runs along the eastern shores of Lough Conn. The subject site incorporates frontage onto the R310 but the dwelling house is located on more elevated land to the back of the site and is accessed via a narrow local access road which links up with the R310 approximately 400 metres to the north-east of the site. The subject site is heavily vegetated and overgrown and accommodates a single-storey derelict cottage which faces onto the local narrow road. Vehicular access to and from the site is located at the north-eastern corner of the site. The site incorporates a pronounced slope downwards towards the shores of Lough Conn and the R310. The site has a total area of 0.47 hectares.
- 1.2. There are two dwellings in the immediate vicinity of the subject site both of which face north westwards towards the R310. The neighbouring dwelling to the north-west is located 40 metres away, while the dwelling to the immediate north is located c.20 metres away. Both neighbouring dwellings back onto the boundary of the subject site. The roadway serving the subject site incorporates an acute slope towards the site from the R310. It serves two dwellinghouses closer to the junction with the R310 and one dwellinghouse beyond the subject site to the south-west.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of on-site waste water treatment system together with ancillary site development works.

A Natura Impact Statement has been submitted with the application.

3.0 Planning Authority Decision

- 3.1. **The planning authority issued a Decision to grant permission subject to 7 conditions:**

C3 - Prior to the commencement of development, the whole frontage of the site shall be set back a minimum of 3m from the nearer edge of the adjoining tarred/surfaced carriageway and the area between the new wall line and the carriageway shall be

excavated out, filled up, levelled with a suitable durable material for parking and passing of motor vehicles. Roadside drainage shall be maintained at all times. A suitably sized pipe shall be designed and installed along the whole frontage of the site so as to maintain existing drainage.

C5 - (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 05 01 24 as revised by submission of 24 04 24 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”

– Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to Mayo County Council from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

C 7 - If any ESB lines cross the site, the developer shall inform the ESB of the intention to start work and arrange for the diversion of lines, if necessary.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1. Wastewater Treatment: the Site Suitability report supplied in support of the application by RM Consulting Engineers Ltd advises that all minimum site distances are met and the site is suitable for development. Further information shall be sought in relation to the proposed location of infiltration area as indicated by Environment Department

2. Access: the development as proposed is ancillary to the derelict dwelling which appears to be undergoing improvements works which do not form part of this application. The existing entrance is deficient. The report of the Area Engineers is noted, further information is required to address the issue raised.
3. Natura Impact Statement - If the mitigation measures (culverting stream and straw bales) outlined in the NIS are implemented in full, the integrity of the Natura 2000 sites in the zone of influence will not be effected.
 - A further information was issued requesting clarification of waste water treatment system infiltration system & sight lines from the existing access.

Overall It is considered that the applicant has adequately addressed the issues raised in the additional information request and therefore it is deemed appropriate to grant planning permission.

3.2.2. Other Technical Reports

Environment Department

- 3.2.3. The Site Suitability Report provides scaled drawing showing the system in longitudinal and cross section. The invert for effluent entering the infiltration area is taken as the bottom of the gravel distribution bed, so the minimum 0.9 m of unsaturated subsoil depth required in this case was not achieved. Due to the age of the property there was no reference to an existing treatment system/ septic tank serving the property so the argument that variances to the CoP should be allowed is weakened.

1. The infiltration area is to be positioned in scrub to the SW of the site. The applicant should comment on any potential reduction in efficiency of treatment where preferential flow paths associated with tree roots are encountered.
2. If the mitigation measures (culverting stream and straw bales) outlined in the NIS are implemented in full, the integrity of the Natura 2000 sites in the zone of influence will not be effected.
3. The applicant has indicated that water supply will be from the public network. However given the elevated location of the proposed infiltration area and the proximity of houses downgradient, it is advised that a local well survey be

completed to assess any potential impact of the WWTS on nearby dwellings served by groundwater wells .

4. The scope of the works other than the installation of the wastewater treatment system are not clearly defined. Reference is made to house refurbishment, driveway, soakaway and landscaping in the NIS but no detail is provided either by way of description or in the site layout drawings.
5. The location of the infiltration area for treated wastewater effluent appears to be located within an area scrub to the SW of the site. The applicant needs to clarify this by way of a drawing and evaluate the ecological impact of scrub removal at a local level.

3.2.4. **Area Engineer** - Area Engineer: the sight visibility at the entrance is substandard, is the applicant in a position to improve visibility to accord with standards defined in the current county development plan. Further information shall be sought in this regard.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

There are two third party submissions on file. Some of the issues raised shall be addressed under Section 7 of this appeal.

- This development is ancillary restoration works which have commenced on the house, this is a major concern as this property overlooks adjoining property and would impinge on privacy. The cottage on site is derelict and has been uninhabited for at least fifty years. Works have commenced with the installation of windows and doors, was permission sought for this development?
- Car parking directly behind property will cause surface water to drain onto their property
- References the planning history of the site which have been refused or withdrawn

- An Bord Pleanála previously refused permission on this site
- The application refers to the source of water as new from public mains- there are no public mains in the area
- Concerns regarding the impact of the development given its sensitivities
- Given the topography of the site there are concerns relating to surface water run off into their property and the impact thereof.

4.0 Planning History

- PA reg ref 20/125: permission refused for extension to dwelling and new on site treatment system by An Bord Pleanála ABP 308070-20 as follows: On the basis of information provided with the application the appeal and in the absence of an NIS the Board cannot be satisfied that the proposed development individually or in combination with other plans and projects would not result in adverse effects on the integrity of River Moy SAC and Lough Conn and Lough Cullin. In such circumstances the Board is precluded from granting planning permission.

Note 1: The Board noted the description of the proposed development as consisting of the extension and refurbishment of an existing dwelling. However having regard to the totality of the documentation as lodged with the application and appeal, the reports of the Planning Authority, including photographs, and the report of the Inspector, it was not clear to the Board that the building on site was in fact functional and/or habitable as a dwelling and whether or not it could therefore be deemed to constitute an existing dwelling and thus whether or not a requirement on the part of the applicant to confirm a rural housing need was warranted.

However as this constituted a new issue within the context of the appeal and given the substantive reason for refusal as set out above, it was decided not to pursue this matter further in this case.

Note 2: The Board noted the reason for refusal as recommended by the Inspector, related to traffic hazard and obstruction to road users. However, given the specific nature of the road in question, the likely low volumes of

traffic and associated likely low speed of vehicles travelling along this section of road, and the commentary from the planning authority, it was decided that such a reason for refusal of permission was not warranted in this instance.

- PA reg ref 07/2113, permission sought for refurbishment and extension of derelict dwelling and on site treatment system – application withdrawn.
- PA reg ref 06/3606, permission sought for refurbishment and extension of derelict cottage and effluent treatment unit – application withdrawn.
- PA reg ref 01/1877, permission granted for dwelling and on-site treatment system and then Withdrawn (An Bord Pleanála)
- PA reg ref 99/2132, permission refused for dwelling and septic tank

5.0 Policy Context

5.1. Mayo County Development Plan 2022 – 2028

The subject site is located within landscape policy area 3A Lakeland Sub area.

5.1.1. Wastewater Objectives –

IN0 8 - To require development in unsewered areas which includes a septic tank/proprietary effluent treatment unit and percolation area to be rigorously assessed in accordance with the accepted EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses or the EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, taking into account the cumulative effects of existing and proposed developments in the area.

5.1.2. In accordance with Section 2.10 Effluent Treatment Systems of Volume 2 of the current county development plan.

In un-serviced rural areas where a proposed dwelling cannot connect to the public wastewater treatment plant, a site suitability assessment will be required. The assessment must be carried out in accordance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses and take into account the cumulative effects of existing and proposed developments in the area.

The assessment shall be carried out and certified by a suitably qualified person (i.e. the holder of an EPA FETAC certificate or equivalent) with professional indemnity insurance. In coastal/lakeside areas, any effluent disposal system or percolation area for single dwellings shall be located at least 100m from the High-Water of the sea/lake and 100m from any lands liable to flooding along the sea / lake. For developments consisting of more than one dwelling, the effluent disposal systems or percolation areas shall be located at least 400m from the High-Water Mark of the sea/lake and 400m from any lands liable to flooding along the sea /Lake. Where it is proposed to extend/renovate a structure with an existing septic tank system, the applicant may be required to demonstrate to the satisfaction of the Planning Authority that the existing septic tank is in working order and is suitable for the proposed development. The applicants may be required to upgrade the existing system as required by the Planning Authority

5.2. Natural Heritage Designations

- Lough Conn and Lough Cullin SPA (Site Code: 004228) 10m – northwest
- River Moy SAC (Special Area of Conservation) (Site Code: 002298) 10m - northwest

6.0 EIA Screening

See completed form 2 on file. 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 & Development Regulations 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.

7.0 The Appeal

7.1 This is a third party appeal against the Decision of Mayo County Council to Grant permission for the proposed Development. The Grounds of Appeal can be summarised as follows:

- The proposed development is located in a rural area of natural scenic beauty on the shores of Lough Conn where there is a high density of dwellings present in the area. It is argued that the proposed development would be detrimental to the environment of the area.
- The applicant in this instance does not live in the area and has never lived in the area. The applicant currently resides in London. It is stated that the applicant only owns one quarter of the property. The applicant does not have a rural housing need.
- As a result of the elevated nature of the site the proposed property will overlook the two adjoining neighbouring properties, this will result in a loss of privacy and impinge on residential amenity of these dwellings. The hedge row around the site is very sparse.
- The applicant has made no effort regarding the upkeep of the site for the previous 15 years. It is overgrown with scrub and bramble. The property became vacant approximately 60 years ago. The stone walls are falling down and the majority of the roof has totally collapsed. The description of the building as a derelict cottage is not accurate. It is difficult to see how this building can be turned into a habitable space and therefore if it can constitute an existing dwelling.
- Full details of site history has been provided.
- Incorrect information has been provided by the applicant on file. There are two adjacent dwelling on site who get their water supply from a well. The applicant has incorrectly stated that they get their water supply from a group water scheme. The granting of permission could have serious consequences for adjacent water supply.

- The site layout as provided shows an existing open drain to be piped from the entrance gate to the corner of the site, between the applicants site and boundary. No details of where this drain terminates has been provided. This may be discharging to the appellants property.

7.2. Applicant Response

- The applicant was owned by the applicants' parents and has been in family ownership for many years. It is Government policy to promote the refurbishment and re-use of vacant and derelict buildings with the Vacant and Derelict Homes Grant Scheme. The proposal is consistent with Government Policy.
- The proposal is consistent with Policy RHP-6 – To encourage the reuse of an existing rural building/structure other than a house for residential development subject to proper planning and sustainable development.
- The existing structure pre-dates the construction of the appellants dwelling, therefore the matter of overlooking and privacy was always present on site as the subject property could have been occupied at any time.
- The on-site waste water treatment system has been designed to be in accordance with the EPA code of practice for single dwellings. The system is located 120 from the HWM of Lough Conn as stipulated in the Mayo County Development Plan 2022 – 2028.
- Shraheen GWS were contacted and asked about the mains water supply. It was advised that all houses were connected to the scheme. No objection to the development has been submitted by other adjoining properties.
- There is an existing open drain which has been identified in the AA and is proposed to be piped. This drain has always been in existence and discharges downhill. It is not proposed to redirect or alter the path of this drain in anyway but simply to pipe it under the driveway.

7.2 Planning Authority Response

- None

7.3 Observations

- None

7.4 Further Responses

- None

8.0 Assessment

8.1 Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Waste Water Treatment System
- Other Matters
- Appropriate Assessment

8.2 Waste Water Treatment System

The applicant has completed a Site Characterisation Form that concludes the site is suitable for a secondary treatment system and soil polishing filter. A trial hole was dug to a depth of 2m before bedrock was found. A winter water table of 1.8 m below ground level was recorded. Having consulted Geological Survey Ireland mapping for the area I note the area has a bedrock of PQGS Precambrian Quartzites, Gneisses & Schists, this is consistent with the Site Characterisation Form. The vulnerability of the site is Extreme R21 with a Poor Aquifer. The soil profile as described includes a gravely silt with small particles.

It is stated that a T test was conducted at depths between approximately 400mm and 2000mm below ground level, resulting in a value of 28.0. Additionally, a P test yielded a value of 30. Both results are within the parameters specified in the EPA Code of Practice document. The applicant proposes to install a system (secondary treatment system) and discharge to a coco filter (tertiary treatment system) with final discharge to ground. It is proposed to gravity flow to the secondary treatment unit, pump to a coco to the tertiary unit and discharge to 300mm deep gravel distribution layer (Pea Gravel 10-20mm) in accordance with T 10.4 of the EPA Code of Practice for Wastewater

Treatment and Disposal Systems for Single Dwellings <10pe. The percolation / filtration area is sized as follows ($A = 7.5 \times 4 \text{ (p.e.)} = 30\text{sqm}$. The bed must be laid flat so the runoff can filtrate to ground. There must be 900mm of unsaturated subsoil under the filtration bed.

This depth meets the requirements of minimum unsaturated soils as set out in Table 6.3 of the EPA code of practice. Based on the submitted information it has been demonstrated that the proposed wastewater treatment system, complies with EPA Code of Practice guidance in terms of ground conditions and separation distance. I note the Planning Authority following receipt of further information concluded that the site is suitable for the treatment of wastewater. I consider the proposal to install a packaged wastewater treatment system in this instance to be acceptable.

8.3 Other Matters

8.3.1 Housing Need and Amenity Considerations

The appellant raises concerns regarding housing need, potential overlooking, and loss of amenity arising from the proposed development. The applicant has stated their intention to refurbish the existing structure on site, including repairs to the roof and walls. It is noted that works have already commenced, involving roof repairs and the replacement of windows and doors. The structure in question is not a protected structure, and the works undertaken are considered exempted development under the relevant planning regulations.

Given these factors, I do not consider the appellant's concerns regarding housing need or loss of amenity to be relevant to this appeal. These matters are outside the scope of the appeal and are not material considerations for the Board in this instance.

8.3.2 Surface Water Management

The proposed development includes the piping of an existing drain on-site. The appellant has expressed concerns regarding the lack of clarity on the discharge point of this pipe, with concern that it may discharge onto their land. The applicant has clarified that the proposed pipe will be located solely within the site access and that all surface water will be managed within their own property.

The piping of this open drain is part of a broader set of mitigation measures aimed at preventing any potential disturbance to the adjacent European site. The extent of these works will be further assessed under Section 9.0 of this report.

Having reviewed the appellant's concerns and the Natura Impact Statement (NIS), which outlines the pathway of surface water within the site, I note that there is no evidence to suggest that the drain discharges onto the appellant's property. Should the Board be minded to grant permission, I consider it appropriate to attach a condition requiring that all surface water be managed within the applicant's red line boundary.

8.3.3 Sightlines and Access

As part of a further information request, the planning authority sought details regarding the proposed upgrade of the site entrance, specifically requiring the applicant to demonstrate adequate sightlines. Subsequently, the planning authority imposed a condition requiring the complete removal of the existing front boundary and the setting back of this boundary by 3 metres from the roadside edge.

In assessing this requirement, I note the policy objectives NEO 4 and NEO 9 of the Mayo County Development Plan, which seek to protect and enhance existing trees and hedgerows in the interest of biodiversity. The site is in proximity to the Lough Conn and Lough Cullin Special Protection Area (SPA). While the Appropriate Assessment does not indicate the presence of listed species nesting on-site, the area is considered to have significant biodiversity value.

The removal of trees and hedgerows to improve sightlines on this substandard road, where vehicle speeds are low, is not considered necessary. The local road network serving the site is narrow, but existing hedgerows are low in height, allowing for visibility when exiting the site. Given that the site entrance and dwelling are pre-existing, I do not consider the removal of the front boundary hedgerow to be warranted, as the risk of a traffic hazard is minimal due to road alignment and prevailing vehicle speeds.

9.0 AA Screening

9.1 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

9.1.1 The applicant has submitted an Appropriate Assessment Screening and Natura Impact Statement (NIS) prepared by Giorroa Environmental Services submitted with the application, dated December 2023. The applicant's 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. All surveying and reporting have been carried out by qualified ecologists and environmental consultants.

9.1.2 A presence and absence bat survey was conducted on the building looking for evidence of bat use. While the old building has many small holes and crevices around the walls, both inside and outside, and along the roof line where the roof meets the wall, no evidence of bat use was found. The roof space is fairly open and not ideal for bat use except as a possible summer temporary roost only. The inside walls were clean with no evidence of droppings or staining at hole entrances. The limitation of this survey is that it was conducted during the winter.

The closest stream to the site is the Colladussaun Stream (EPA Code and Name: 34C95, COLLADUSSAUN) which lies over 973 m from project site. The site is on soils described in the National Soil Survey as Lithosols / Regosols (AminSW) which are well draining soils

9.1.3 Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in section 3 and 6.3 above. I note that the planning application was referred to a number of statutory consultees, including the National Parks and Wildlife Services (NPWS). With specific reference to appropriate assessment matters, I note that the NPWS did not respond to the request for observation.

9.1.4 The Project and Its Characteristics

The detailed description of the proposed development can be found in section 2.0 above.

European Sites

The proposed development site is not located within but is immediately adjacent (70m) to nearest designated European Site, comprising a Special Area of Conservation (SAC) and Special Protection Area (SPA). Two European sites are located within 1km of the development site.

- Lough Conn and Lough Cullin SPA (004228)
- River Moy SAC (002298)

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Lough Conn and Lough Cullin SPA and River Moy SAC.

Lough Hoe Bog SAC and Killala Bay/Moy Estuary SAC has not been considered owing to significant distance of 10km and 12km respectively and lack of direct hydrological connections to the site. This assertion is made based on surface water and ground water flows from the site.

European Site	Qualifying Interests (summary)	Distance	Connections
Lough Conn and Lough Cullin SPA [004228]	A061 Tufted Duck (<i>Aythya fuligula</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A182 Common Gull (<i>Larus canus</i>) A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	70m	Given proximity of the proposed project site to the SPA, further assessment is required to evaluate the likelihood of significant effect on the qualifying interests of this

			SPA.
River Moy SAC [002298]	<p>Habitats:</p> <p>6510 Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p> <p>7230 Alkaline fens</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>Species:</p> <p><u>1092 White-clawed Crayfish (Austropotamobius pallipes)</u></p> <p><u>1095 Sea Lamprey (Petromyzon marinus)</u></p>	70m	Given proximity of the proposed project site to the SAC, further assessment is required to evaluate the likelihood of significant effect on the qualifying interests of this SAC.

	<u>1096 Brook Lamprey (Lampetra planeri)</u> <u>1106 Salmon (Salmo salar)</u> <u>1355 Otter (Lutra lutra)</u>		
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9.1.5 Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal on a .47ha site on greenfield /agricultural land with an existing dwelling thereon and the relevant scale of construction impacts I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

With respect to Lough Conn and Lough Cullin SPA, the risk of disturbance to all qualifying bird species was ruled out due to the short duration of the project, the distance from lake and the tree cover between site and lake. There is a very small potential for water quality affects, so birds and wetland have been screened-in on a precautionary basis.

Regarding the River Moy SAC, potential threats to these species included habitat degradation and / or loss in the form of holt destruction (Otters only), sedimentation, and pollution, as well as disturbance due to invasive species, disease, and noise during construction. Disturbance risks for these species were ruled out. There is a very small potential for water quality affects, so species have been screened-in on a precautionary basis.

I acknowledge that the risk of disturbance or potential impact is low, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken. The applicant has set out mitigation measures under Section 6.0 of the NIS, these mitigation measures are site specific construction techniques. In my view the development is not likely to have significant negative impacts on any European site however the measures taken

by the applicant are set out to be site specific. The main mitigation measures are focused on surface water management during the construction and operational phase.

9.1.6 In combination effects

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites. The site is located in a greenfield with an existing dwelling thereon. The area is characterised by uses of one-off housing. I consider the biggest risk to these dwellings is via the ground water and potential water supply. The applicant has stated that all neighbouring dwellings have the benefit of a group water scheme. In any case the provision of a new domestic waste water treatment system should avoid any direct impacts on groundwater. Through the implementation of best practice construction methods and provision of new waste water treatment system, I consider the in combination effects to be negligible.

9.1.7 Overall Conclusion

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects could be likely to give rise to significant effects on European Sites within Lough Conn and Lough Cullin SPA and River Moy SAC , in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is required. I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to the above SPA and SAC. The potential for significant effects on other European Sites can be excluded. This conclusion is consistent with that of the applicant's Appropriate Assessment Screening.

9.2 Stage 2 Appropriate Assessment

Natura Impact Statement

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective

information that the proposed construction of on-site waste water treatment system together with ancillary site development works individually or in combination with other plans or projects will have a significant effect on the Lough Conn and Lough Cullin SPA [004228] and River Moy SAC [002298] .

The applicant's Natura Impact Statement (NIS) was prepared in line with current best practice guidance and examines and assesses potential for adverse effects of the proposed development on Lough Conn and Lough Cullin SPA [004228] and River Moy SAC [002298] . Section 6.0 of the NIS sets out the potential impacts arising from the construction and operational phases of the development on each of the European sites and sets out avoidance and mitigation measures that would be incorporated during the construction phase of the development. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, adverse effects on the site integrity of the European site alone, or in combination with other plans and projects can be excluded.

9.2.1 Appropriate Assessment of implications of the proposed development on the European Site

The following table set out my assessment of the implications of the project on the qualifying interest features of the Lough Conn and Lough Cullin SPA and River Moy SAC using the best scientific knowledge in the field as provided in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

It should be noted that a number of Qualifying Interests (QI's) within the Lough Hoe Bog SAC and Killala Bay/Moy Estuary SAC were removed from further assessment at screening stage as the potential for likely significant effects on these particular QI's has been ruled out due largely to distance and the absence of direct hydrological pathways between the appeal site and these particular QI's.

Name of European Site, Designation, site code: Lough Conn and Lough Cullin SPA, 004228 Summary of Key issues that could give rise to adverse effects.

- Species degradation/loss

- Disturbance of QI species Conservation Objective:

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interest feature	Conservation Objectives Targets & attributes	Potential Adverse effects	Mitigation measures	In combination effects	Can adverse effects on integrity be excluded ?
A061 Tufted Duck (Aythya fuligula)	To restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely	Piping of drain to the south east of site. A straw bale to be placed in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately	No significant in combination adverse effects	Yes

		impacting upon protected habitat/species			
A065 Common Scoter (<i>Melanitta nigra</i>)	To restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	Piping of drain to the south east of site. A straw bale to be placed in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately.	No significant adverse effects in combination	Yes
A182 Common	To restore the	Deterioration in water	Piping of drain to the	No significant in	Yes

Gull (Larus canus)	favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	south east of site. A straw bale to be placed in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately	combination adverse effects	
A395 Greenland White-fronted Goose (Anser albifrons)	To restore the favourable conservation condition of the bird species listed as Special Conservation	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels	Piping of drain to the south east of site. A straw bale to be placed in drain where it turns at	No significant in combination adverse effects	Yes

flavirostris)	Interests for this SPA	and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/specie s	corner of the site – Once cleared, the drain should be piped and back-filled immediately		
A999 Wetlands & Waterbird s Wetland habitats range from coastal estuaries and lagoons to inland rivers, lakes and	To restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and	Piping of drain to the south east of site. A straw bale to be place in drain where it turns at corner of the site – Once cleared, the drain should be piped and	No significant in combination adverse effects	Yes

peatlands. Wetlands are extremely important sites for bird species, in particular wintering waterbirds .		potentially adversely impacting upon protected habitat/specie s	back-filled immediately		
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Name of European Site, Designation, site code: Rive Moy SAC, 002298 Summary of Key issues that could give rise to adverse effects.

- Species degradation/loss
- Disturbance of QI species Conservation Objective:

To maintain or restore the favourable conservation condition of the habitats and species listed as Special Conservation Interests for this SAC

1095 Sea lamprey (<i>Petromyzon marinus</i>)	To restore the favourable conservation condition of habitats and species listed as Special Conservation	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels	Piping of drain to the south east of site. A straw bale to be place in drain where it turns at	No significant in combination adverse effects	Yes
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	Interests for this SAC	and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	corner of the site – Once cleared, the drain should be piped and back-filled immediately		
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1096 Brook lamprey (Lampetra planeri)	To restore the favourable conservation condition of habitats and species listed as Special Conservation Interests for this SAC	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially	Piping of drain to the south east of site. A straw bale to be place in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately	No significant in combination adverse effects	Yes
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		adversely impacting upon protected habitat/species			
1106 Salmon (Salmo salar)	To restore the favourable conservation condition of habitats and species listed as Special Conservation Interests for this SAC	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	Piping of drain to the south east of site. A straw bale to be place in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately	No significant in combination adverse effects	Yes
1355 Otter (Lutra lutra)	To restore the favourable conservation condition of habitats and	Deterioration in water quality arising from sedimentation and release of hydrocarbons	Piping of drain to the south east of site. A straw bale to be place	No significant in combination adverse effects	Yes

	species listed as Special Conservation Interests for this SAC	to surface water channels and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species	in drain where it turns at corner of the site – Once cleared, the drain should be piped and back-filled immediately		
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9.2.2 In combination effects

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. The cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered and deemed acceptable.

9.2.3 Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Lough Conn and Lough Cullin SPA, 004228 and River Moy SAC 002298 in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

9.2.4 Appropriate Assessment Conclusion

Having carried out screening for Appropriate Assessment, it was concluded that, in the absence of mitigation measures to prevent construction related pollutants

reaching Lough Conn and Lough Cullin SPA, 004228 and River Moy SAC 002298 . Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

Following an Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of Lough Conn and Lough Cullin SPA, 004228 and River Moy SAC 002298. or any other European site, in view of the site's Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the aforementioned designated site.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Conn and Lough Cullin SPA, 004228 and River Moy SAC 002298.

10.0 Recommendation

I recommend that planning permission be granted for the installation of onsite waste water treatment system and all ancillary site works;

11.0 Reasons and Considerations

The proposed development is in compliance with the guidelines outlined in the EPA Code of Practice for Wastewater Treatment and Disposal Systems for Single Dwellings and Mayo County Development Plan 2022-2028 specifically adhering to Policy Objective INO8 with respect to the installation of waste water treatment systems.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received on the 24th of April 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: To protect the integrity of European Sites.

3. The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution

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.

Darragh Ryan
Planning Inspector

21st of March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320305-24		
Proposed Development Summary	Construction of on-site waste water treatment system together with ancillary site development works		
Development Address	Tawnaghmore, Foxford, 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	X	10. Infrastructure projects (b) (i) Constructi. on of more than 500 dwelling units	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	(b) (i) Construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320305-24
Proposed Development Summary	Construction of on-site waste water treatment system together with ancillary site development works
Development Address	Tawnaghmore, Foxford, Co. Mayo.
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Development for the installation of an onsite waste water treatment system in a rural area where there is an existing dwelling thereon. The site is in a rural area on underutilised agricultural land. There would be no construction impacts beyond that for the installation of waste water treatment system and exempted development provisions.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located 70m from nearest European Site. The application has been accompanied by an Natura Impact Statement with site specific mitigation measures for the control and management of surface water on site. There are no likely significant effects on any European site as a result of the proposed development.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Any impacts are confined to the site only. There is no other construction presently in the vicinity of the site. There is no concern in relations to a cumulative or transboundary effect owing to nature and size of the proposed development which is located on a limited site
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	No
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)