



An
Coimisiún
Pleanála

Inspector's Report

ABP-320921-24

Development	Outline planning permission for the construction of a single storey contemporary designed dwelling and all ancillary site works.
Location	Rosmalley, Westport, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	24/281
Applicant	Christopher O Donnell
Type of Application	Outline Permission
Planning Authority Decision	Grant outline permission
Type of Appeal	Third Party v. Grant
Appellant	John McCormack
Observer(s)	None
Date of Site Inspection	5 th day of June 2025
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the south-western perimeter of the town of Westport, approximately 3.1 kilometres south-west of the town centre. The site has a stated area of 0.64 hectares and forms part of a larger family land holding, that comprises the family home and its curtilage located further north of and contiguous to the appeal site boundary.
- 1.2 The subject site has road frontage onto the L1801, Coast Road (Wild Atlantic Way) along its eastern boundary but is proposed to access onto the L8104 to the north of the appeal site. The L8104 is a cul-de-sac that serves the family dwelling and a number of the neighbouring dwellings further west. The L8104 is located along the perimeter of Clew Bay.
- 1.3 The appeal site is located to the rear (south) of the family dwelling. The Rosmalley area is characterised by large two storey dwellings on generous plot sizes. Ground levels rise considerably from the north of the site (ground levels stated to be 3.21m OD) along the L8104, to the south of the site at the location of the proposed dwelling where existing ground levels are stated to be 15.3 metres OD, a differential of in excess of 12 metres. The predominant land use zoning in the surrounding area is agriculture, albeit a significant number of individual dwellings have been developed in this vicinity on the perimeter of the Westport town development boundary.

2.0 Proposed Development

- 2.1 The development would comprise the following:
- Outline planning permission to construct a single storey contemporary designed dwelling house and all ancillary site works.
- 2.2 A letter of consent has been submitted from the applicants' father, consenting to the applicant applying for planning permission on the family lands.

3.0 Planning Authority Decision

3.1 Outline planning permission was granted by the Planning Authority subject to seven conditions. The pertinent conditions are considered to be the following:

Condition number 2: Occupancy clause.

Condition number 3: Details of plans, elevations, sections, specifications and finished floor levels to be submitted to the PA within three years from the final date of the grant of outline permission.

Condition number 4: Surface water management.

Condition number 5: Connection agreements with Uisce Eireann.

Condition number 7: Landscaping plan.

3.2 Planning Authority Reports

3.2.1 Planning Reports

The recommendation to grant outline planning permission in the Area Planner's report reflects the decision of the Planning Authority. The main points raised in the report can be summarised as follows:

- The family home is located immediately north of and contiguous to the appeal site.
- The subject site runs parallel to the quay/coast road, the L1801.
- The site elevates from north to south with levels ranging from 7.5 metres OD to 13 metres OD.
- Outline planning permission was previously refused by the Planning Authority under planning reference number 23/619.
- An Appropriate Assessment (AA) screening report was submitted as part of the planning documentation.

- The development relates to the construction of a dwelling to serve a family member to the rear of the applicants' family home.
- The applicant has demonstrated a housing need in accordance with RH01 as per the Rural Housing policy as set out within the current Mayo County Development Plan 2022-28 in this area under strong urban influence.
- The Roads Department expressed no concerns in relation to the access.
- The site has access to the public watermains and foul sewer networks.
- Existing planting on site would be retained.
- The single storey height of the dwelling to the rear of the applicants' family dwelling will ensure the dwelling assimilates appropriately within the local landscape.

3.2.2 Other Technical Reports

Road Design Office: No objections, subject to conditions.

Westport Area Engineer: Noted the elevated nature of the site and stated that a more suitable access to the appeal site may be available.

3.3 Prescribed Bodies

None received.

3.4 Third Party Observations

3.4.1 One received: This observation received from a neighbouring resident within Rosmalley, Westport. The issues raised within the observation related to the following:

- Although the site notice faces onto a public road, it is a cul-de-sac location with minimum visibility from the public domain.
- There have been a number of refusals of planning permission on this site in the recent past. This current application relates to the development of a single

storey dwelling. The applicant is seeking to navigate a channel from which he can make additional applications to amend the house type in the future.

- Permission was previously refused on this site in May 2024 for two reasons, firstly in relation to being 'seriously injurious to the amenities and would depreciate the value of property in this vicinity and secondly that it would contravene the RHO4 policy objective in relation to adversely impacting the character of the landscape.
- The applicant is resident outside of Ireland for the last number of years and would not satisfy a 'local housing need'.
- The concerns expressed by the PA under planning reference 23/619 remain valid.
- The site is not suitable for the purposes of constructing a dwelling.
- Mayo County Council have historically adopted this approach, and nothing has changed in the interim and this stance should be maintained.

4.0 Planning History

Planning reference 23/619-in May 2024, the current applicant sought planning permission for a dwelling and connection to the public water services, Permission was refused for two reasons as follows: 1) Backland development would seriously injure the amenities and depreciate the value of existing residential property in the vicinity and 2) That the proposals would be contrary to policy objective RH04 in relation to adversely impacting the character of this coastal landscape.

Planning reference 98/1930-Planning permission granted for the parental dwelling, located immediately north of the appeal site within the family land holding.

5.0 Policy Context

5.1 Westport Local Area Plan 2024-2030

The lands are zoned LUZ9-Agriculture where the zoning objective is 'To reserve land for agricultural and rural uses and to preserve the amenity of the town setting.

Developments for single houses within areas zoned Agriculture will be considered on their merits having regard to the Rural Housing policies and objectives of the Mayo County Development Plan 2022-2028 and issues such as access, services and siting".

Other relevant sections of the Westport Local Area Plan include:

- Section 2.6- Preferred Development Strategy

Among the key elements of the Development Strategy include:

- Achieving Compact Growth
- Sustainable Communities

The Plan also supports the delivery of new homes within existing residential areas through consolidation, infilling and densification over the plan period, where development can be assimilated satisfactorily through design, layout and amenity in a manner that does not detract from the character of the area.

5.2 Mayo County Development Plan 2022-2028

Volume 1: Sections that are relevant to the current appeal include:

Section 2 Core and Settlement Strategy

Westport is designated as a Strategic Growth Town (Tier 1 (b) within the Settlement Strategy within the Development Plan.

Section 3: Housing

Section 3.4.8 Rural Single Housing

Category 1 - Rural Areas under Strong Urban Influence: These areas include the open rural countryside around the Tier I (Key Towns and Strategic Growth Town) and Tier II (Self-Sustaining Growth Towns) towns. They have been designated to support the sustainable growth of the urban areas, to provide for the immediate, local

rural community who have a genuine housing requirement, while directing urban generated housing into designated settlements, maintaining their vitality and viability. It is recognised that new dwellings in these areas make a contribution to the vitality and viability of the local rural and urban communities.

RHO1-To facilitate single houses in the countryside. However, in Rural Areas under Urban Influence applicants will be required to demonstrate a social or economic link to the area in which they wish to build. An economic need would include applicants having a genuine housing need and whose future or current employment is in close proximity to the primary residence they propose to build. Local rural area includes, but is not limited to Parish, District Electoral Division and Townlands. A genuine housing need includes, but is not limited to:

1. Farmers, their sons and daughters, close relations or any persons taking over the running of a farm in the area in which they propose to live.
2. Sons, daughters or other relations of non-farming persons who have spent a period of their lives living in the general rural area in which they propose to build a home.
6. Where permission has been granted for a rural housing proposal in an area deemed to be under urban pressure an occupancy condition may be imposed under section 47 of the Planning and Development act 2000.

An occupancy clause shall not be applied to any successful application outside of areas deemed to be under urban pressure.

The residency condition shall not affect the sale of the house or site by a mortgagee in possession or by any person deriving title from such a sale where force majeure applies, for example, death, illness, relationship break up, emigration, unemployment, relocation due to work issues which would necessitate a new primary place of residence.

RHO4: Housing applications, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, will be considered

where the applicants can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
- Cannot be considered at an alternative location.
- Meets high standards in siting and design.
- Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations.
- Demonstrates enhancement to local landscape character and ecological connectivity.
- Note: An occupancy clause will be attached to any grant of planning permission.

Volume 2: Development Management Standards:

Section 2.4 Vehicular Access

Section 2.5 Building Line

Section 2.12 Surface water

5.3 National Policy

National Planning Framework 'Project Ireland 2040' as revised 2025

Relevant Policy Objectives include:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- **National Policy Objective 3a:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 3b:** Deliver at least half (50%) of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.4. Ministerial Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2023).
- Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2019 (latest revision)).

5.5 Natural Heritage Designations

The nearest designated sites to the appeal site are:

- Clew Bay SAC Site Code:001482) is located c. eight metres north of the nearest part of the appeal site boundary. The proposed dwelling would be located approximately 130 metres south of the SAC boundary.

5.6 EIA Screening

Having regard to the nature and scale of the proposed development, comprising a single residential unit within a serviced site, 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.

5.7 WFD Screening

The nearest part of the subject site is located approximately eight metres south of Clew Bay.

The development would comprise the construction of a dwelling, connection to the public piped water services and ancillary site works. The detailed development description is set out within Section 2.0 of my report above.

Impact upon water quality within Clew Bay was not raised as an issue within the appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor 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 any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development proposed
- The serviced nature of the lands with access to public watermain and foul sewer networks.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal has been submitted to the Board by a neighbouring resident within Rosmalley, Westport. The grounds of appeal include the following:

- The current proposal is identical to the proposal submitted to the Planning Authority under planning reference number 23/619.
- The planners report under planning reference 23/619 set out that the development represented 'random, haphazard and disorderly development. A development of this nature would set an undesirable precedent for similar type development' at this location'.
- The Planners report also stated 'the access arrangement dissecting the existing family home and running parallel to the existing road east for a distance of over 100 metres is considered an inappropriate design and access arrangement that would negatively alter the existing setting.
- It should, therefore, follow on that the current proposals similarly represent an inappropriate form of development and would establish an undesirable precedent.
- Mayo County Council are disregarding the precedent they established under 23/619.
- The reliability of the AA screening report is called into question given the existence of a Heron nesting site within thirty metres of the proposed dwelling house. The southern boundary of the site hosts a significant heronry (Heron nesting complex) within the crown of an extensive stand of trees. The AA screening report submitted makes no reference to the nesting complex within the site.
- A Board decision made back in 1996 which related to a refusal of planning permission for a single house and the refusal reason used by the Board set out the following 'The site is located in an area designated in the current Mayo County Development Plan as an area of Special Scenic importance and includes a policy to protect a view of outstanding natural beauty. The designation and policy are considered to be reasonable. It is considered that the proposed development would conflict with this policy and would, therefore, be contrary to the proper planning and sustainable development of the area'.

- The appeal site remains a location of outstanding natural beauty and the L1801 remains as an identified scenic route.

6.2 Planning Authority Response

None received.

6.3 First party response to issues raised in third party appeal submission

- Policy objective RHO1 supports 'sons, daughters or other relations of non-farming persons who have spent a period of time living in the general rural area in which they propose to build a home' and would apply to the applicant in this instance.
- The site is zoned 'agriculture' under the current Westport Local Area Plan 2024-30 where development of single houses 'will be considered on their merits having regard to the rural housing policies and objectives of the Mayo

County Development Plan 2022-2028 and issues such as access, services and siting’.

- The principle of infill/backland dwellings in large and/or under-utilised gardens is well established nationally.
- There is a significant shortage of housing nationally and in Westport. National and local planning policy encourages the provision of additional residential development of suitable land.
- The subject site is located within a de-facto rural cluster on the edge of the Westport town built-up area, less than 20 metres from the defined CSO settlement boundary, and within the Westport LAP boundary.
- The subject site is served by public watermains and foul water supply.
- The existing rural cluster comprises twenty dwellings within a radius of c. 200 metres.
- The existing cluster includes a number of examples of backland type siting/dwelling setting and extended driveway length including at the appellants’ address.
- The appeal site is large in size and is well separated from neighbouring properties.
- There is no recent planning history pertaining to the appeal site, as two applications made under planning reference numbers 17/388 and 23/629 were both withdrawn and, hence, no determination was made on either proposal. Therefore, there is no recent conclusive planning history on the site.
- The proposals under planning reference numbers 17/388 and 96/2613 both involved creating new access points directly onto the adjoining regional route bounding the site to the east and the removal of a considerable number of

trees and hedgerows and the proposed dwelling approximately seven metres above the level of the L1801 would have been particularly visible.

- No such access is proposed in this instance, the mature planting will remain in place and, therefore, the proposed dwelling will not be particularly visible from the adjoining coast road.
- In all of the planning history cases, larger and taller dwellings were proposed.
- A key variation between the current proposals and that submitted under planning reference 23/619 is the profile of the dwelling which now comprises a smaller flat roofed structure.
- The applicant erected a pole framework of the proposed dwelling to provide greater clarity for the Planning Authority in relation to the scale and massing of the dwelling.
- Planning Authorities are entitled to have regard to previous decisions, however, there is no express restriction against fundamentally departing or contravening a previous decision, or part thereof.
- The Planning Authority was, and the Board is unrestricted in permitting the proposed development, irrespective of there being previous planning decisions relating to the site.
- The issues that led to previous refusals and withdrawals in relation to location of access, exposure of development to the adjoining regional route and size and scale of dwelling have been addressed or no longer arise.
- The subject site is elevated; however, the site levels are eminently developable. The site levels within the core site area range from 12.2 metres

to 15.5 metres. A limited element of excavation is proposed in terms of achieving a relatively level platform for placement of the dwelling footprint.

- The proposed driveway will generally follow the existing topography of the site towards the existing site access from the applicants' parents dwelling.
- The arrangement as set out in the previous planning application indicated an overall building height of 6.2 metres, whereas the current proposals indicate a height of c. 3.2 metres.
- The current proposal is appropriately designed to assimilate within the existing site when combined with existing and proposed planting.
- There appears to be anomalies between the online version of the Development Plan and the hard copy version in relation to the designation of the regional route as a 'scenic route', Maps 3.1 and 10.2 refer. The Development Plan provides for the development of rural dwellings in areas that are visually and or environmentally sensitive.
- Section 3.4.8 of the Development Plan includes category 1 Scenic routes which 'would have a low capacity to absorb new development'. A 'low capacity' does not restrict development but rather requires that any development permitted be appropriately designed and positioned to avoid material impacts. The proposals would comply with the provisions of policy objectives RHO 3 and 4. A landscape and visual impact assessment is not required in this instance.
- In terms of visual impact, the current proposals would have an imperceptible to slight presence and be in the minor negative to minor positive range of impact. In either event here would not be sufficient overall visual impact to warrant a refusal of planning permission.
- The subject site is located in policy area 2 of the landscape appraisal and includes a number of specific policies including policy numbers 4 & 5 and 8-11 inclusive which relate to encouraging development which will not interrupt or penetrate distinct linear sections of primary ridge lines and coastlines, to continue to facilitate appropriate development in a progressive and clustered manner, and to encourage development that will not have a disproportionate

effect on the existing character of the landscape in terms of location, design and visual prominence.

- The appeal site is located within Policy Area 2 wherein rural dwellings are deemed to have a medium to low potential impact.
- The subject site is largely surrounded by tree groups and hedgerows along the boundaries which would be undisturbed by the subject proposals.
- The existing vegetation will remain in place and the applicant is amenable to a condition to this effect.
- The AA screening report submitted to the PA as part of the planning documentation was deemed adequate by the PA.
- The existence of a Heronry or Heron activity would primarily fall under the Birds directive as opposed to the Habitats Directive. There is no Special

Protection Area (SPA) (under the Birds Directive) in the vicinity of the appeal site, illustrating that there is no 'Natura 2000': level of sensitivity in the area.

- The Clew Bay SAC does not include the Heron species as one of its Qualifying interest features. We understand that Herons are not an endangered species or 'red listed'.
- The issue of Herons and any potential Heronry should not be conflated with the issue of AA and Natura 2000 sites.
- The existing tree stand(s) which the appellant refers is located outside of the red line appeal site boundary.
- The trees within the appeal site are not proposed to be removed and will be retained.
- The development of a single dwelling on the site would not be a significant factor in terms of a change of character, in the context of the adjoining coast road and the number of other dwellings adjoining the appeal site.
- The access to the proposed dwelling will become part of the curtilage of the dwelling and would be subdivided from his parents dwelling.
- There are a number of precedents in the area where extended driveways around residential plots have been provided.
- The family dwelling would comprise a site area of 0.3 hectares, post development, hence it will remain as a generous plot size.
- The parents dwelling will be well preserved in terms of residential amenity and privacy,
- The parents' property will be bounded and landscaped appropriately to ensure that both properties can act independently, notwithstanding they will be close neighbours where the extended family will be able to have ease of access to one another.
- The applicant references a number of board precedents which he states provide for the subdivision of the family lands to provide for an additional dwelling.

6.4 Observations

None received.

7.0 Assessment

7.1 I consider that the main issues in this appeal relate to the issues raised within the third-party appeal submission and the response to the issues raised within the third-party appeal. The following are considered to be the pertinent issues within the planning assessment:

- Principle of Development
- Design and Layout
- Access
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The subject site is located within the Westport settlement boundary and is zoned LUZ 9-Agriculture as defined in the Westport Local Area Plan 2024-2030, herein after referred to as WLAP. The applicant is seeking to construct an additional dwelling house within the family plot at Rosmalley, Westport, designated as a rural area under strong urban influence within the current Mayo County Development Plan (MCDP), notwithstanding the location of the subject site within the settlement boundary of the current Westport LAP. The appeal site is fully serviced in terms of having access to the public watermains and foul sewer network. Residential development is open for consideration on agricultural zoned lands under the current zoning matrix. Other development management considerations will be taken into account including siting layout and design, access, whether the precedent would be a desirable one and would neighbouring residential amenities be adversely impacted upon by the proposals. The proposals need to be assessed against the policies and objectives within the WLAP and the Mayo County Development Plan. These issues are examined in greater detail within the sections below.

7.2.2 Section 2.8.1 of the WLAP promotes the concept of Compact Growth which references the delivery of new homes within existing residential areas through consolidation, infilling and densification... where the development can be assimilated

satisfactorily through design, layout and amenity in a manner that does not detract from the character of the area. Section 6.3 of the LAP refers to a Residential Development Strategy that seeks to promote compact growth through the re-use and re-development of vacant properties, brownfield and infill sites within the town in a sequential manner. The proposals relate to a site removed from the town centre and therefore, would not comply with the principles of compact growth.

7.2.3 Section 3 of the County Development Plan pertains to Housing and Section 3.4.8 pertains to the Rural Housing Policy which is applicable in this instance. The appellant has questioned whether the applicant would comply with the provisions of the Rural Housing Policy. The Planning Authority were satisfied that the applicant had demonstrated sufficient social connections to the area, by virtue of the fact that the family home is located immediately contiguous to the appeal site and was permitted in excess of twenty-five years ago and that the applicant had demonstrated an adequate social link/housing need. I would concur with the Planning Authority in this instance that the applicant would comply with the provisions of policy objective RHO 1 in that the applicant is a son of non-farming persons who have spent a period of their lives living in the general rural area in which they propose to build a home. However, the applicant would also be required to demonstrate compliance with Development Management considerations in terms of siting and design, access and services. Appropriate Assessment will also need to be considered.

7.2.4 In conclusion, I consider that the current proposals could in principle provide an appropriate use of a generous plot of family land. I consider that the current proposal could provide for a sustainable form of development on serviced lands subject to the design, layout and access according with the Development Management standards and that neighbouring residential amenities are not adversely impacted upon. These matters will be addressed below.

7.3 Design and Layout

7.3.1 The third-party appellant within his submission references the backland and elevated nature of the appeal site and that the amenities and value of adjacent properties

would be adversely impacted and that the proposals would establish an undesirable precedent. The appellant sets out that these particular issues were raised within the previous refusal of planning permission in this site under planning reference 23/619, in May 2024. The applicant states that a previous refusal on the site does not preclude a subsequent application cannot be permitted, especially if the issues raised in the previous refusals have been addressed or are no longer applicable. Each case should be assessed on its individual planning merits, and this is the basis on which I am carrying out my assessment.

7.3.2 The proposed dwelling would be located to the rear of the family dwelling. I do not consider that the proposal represents backland development in that the development will also face onto the adjoining regional route the R335, located to the east of the appeal site. However, in terms of building line, the development would be located a considerable distance (approximately eighty metres) behind the building line of the family dwelling. Therefore, I consider that the proposal represents haphazard and non-integrated development and would potentially establish an undesirable precedent. The applicant makes reference to other dwellings in the vicinity of the appeal site being located to the rear of dwellings. I am assessing the current proposals on its individual planning merits however, I did not observe any such precedent in the vicinity of the appeal site.

7.3.3 In terms of visual impact, the appeal site is elevated above the level of the adjoining coast road by approximately seven metres. I acknowledge that the applicant is seeking to assimilate the proposed development within the local landscape. However, although the western and southern boundaries have the benefit of mature tree and hedgerow boundary treatment, the eastern site boundary (along the L1801) comprises post and wire fencing with little or no landscaping. Therefore, the location of the dwelling would be particularly visible to traffic traversing in a southerly direction along the L1801, coast road. The applicant references the erection of a pole structure within the appeal site as part of their response to the third-party appeal submission. However, no photographic images of the pole structure have been

submitted and neither have the PA referenced the pole structure within their planning report.

7.3.4 Although, it is unclear from the mapping available online for the Mayo County Development Plan, I refer to the previous refusal (under planning reference 23/619) which references Rural Housing Objective RHO4 within its second refusal reason and the adverse impact upon Mayo's Coastal Areas and Lakeshores areas and within areas along scenic routes with designated scenic views. Therefore, it is apparent from the previous decision made by the Planning Authority in May 2024 (in accordance with the current Mayo County Development Plan), that the Planning Authority (PA) considered the appeal site to be located within a coastal landscape and along a designated scenic route. Therefore, the current proposal, which relates to the same site, by virtue of the elevated nature of the proposed dwelling, notwithstanding the single storey height proposed, would be particularly visible and prominent at this particular location. The proposal would represent an incongruous feature on this elevated site, it being approximately seven metres above the level of the adjoining regional route, stated to be a scenic route as per the planning report prepared under planning reference 23/619.

7.3.5 The site levels within the site rise from a southerly point of 3.2 metres OD along the boundary with the L8104 and rise to 15.3 metres OD at the point of the proposed dwelling, a rise of approximately twelve metres. I consider that this rise in ground levels is considerable and would result in the development of a dwelling on a very elevated and prominent site, where the eastern (roadside) boundary treatment comprises a post and wire fence. The mature boundary treatment within the appeal site is located along the southern, western and south-eastern site boundaries which would not restrict views of the development from the east (along the L1801).

7.3.6 On balance, I am not satisfied given the elevated nature of the appeal site, that the dwelling would assimilate effectively and appropriately on this particularly elevated site and I, therefore, consider that the proposal would adversely impact the local landscape character. The appeal site is located within landscape character area 2, where rural dwellings have a medium potential to adversely impact existing landscape character, would represent an incongruous feature within this sensitive

coastal landscape, haphazard and non-integrated development and be contrary to the proper planning and sustainable development of the area.

7.4 Site Access

7.4.1 The applicant is proposing to access the proposed dwelling using the established domestic entrance associated with the family dwelling, located further north of the proposed dwelling and within the broader family holding. The applicant proposes to develop an internal access road within the private garden area of his family dwelling that would run parallel with the L8104 and then in a southerly direction parallel with the L1801 (Coast Road) over a distance of approximately 175 metres before it would join the location of the proposed dwelling. The gradient along the access road is stated to vary between 1.2 and 1.24.

7.4.2 The cross section of the proposed access road submitted as part of the planning documentation, illustrates the road as being located parallel with the Coast Road and would be visually prominent due to there being a post and wire boundary fence at this location and not benefitting from mature landscaping. The access road would be elevated approximately seven metres above the levels of the adjoining Coast Road. Although, the construction of this access road is technically and theoretically possible, I am of the opinion that to develop this considerable extent of hardstand access road, through the private amenity space of the family dwelling would establish an undesirable precedent, would be excessive in this instance and be contrary to the proper planning and sustainable development of the area.

7.6 Appropriate Assessment

7.6.1 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Clew Bay SAC in view of the conservation objectives of this site and, therefore, can be

excluded from further consideration. Appropriate Assessment is not required.
(Please refer to Appendix 2 for greater detail).

8.0 Recommendation

I recommend that outline planning permission be refused for the following reason:

9.0 Reasons

- 1 The site of the proposed development is located within a 'Rural Area under urban influence' as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing within 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 elevated positioning of the proposed dwelling above the levels of the adjoining Coast Road, the L1801, the resulting extensive driveway bisecting the family amenity space, it is considered that the proposed development would form a discordant and obtrusive feature within the landscape at this location. The proposals would represent haphazard and non-integrated development, 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.

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

23rd day of July 2025

Appendix 1 - Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	320921-24		
Proposed Development Summary	Outline permission for the development of a single storey contemporary designed dwelling house and all ancillary site works.		
Development Address	Rosmalley, Westport, 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 single dwelling does not fall within a class of development as per the Planning & Development Regulations, 2001 (as amended).	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 extensions and alterations to a permitted and established care home facility.	X

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

Inspector: _____ **Date:** _____

Appendix 2: AA Screening Determination
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>Please see Section 2 of my report above for a full development description. Outline permission for the development of a single storey contemporary designed dwelling house and all ancillary site works.</p>
Brief description of development characteristics and potential impact mechanisms	<p>The proposals would comprise the development of a single storey contemporary designed dwelling house and all ancillary site works. The subject site is a fully serviced greenfield site and is located approximately eight metres south of the nearest boundary of the Clew Bay SAC. I am satisfied that there is no habitat on site which would be particularly suitable for any of the qualifying interest species identified as Qualifying interest species associated with the Clew Bay SAC site, the location, removed from Clew Bay by the intervening built up urban environment and, therefore, it is unlikely that the development would result in habitat loss, fragmentation or disturbance or any effects on the Qualifying Interest habitats or species associated with these two European sites. It is not predicted that by virtue of the relatively modest scale of the development proposals, the separation distance from the nearest boundary of the Natura 2000 sites and that subject to the inclusion of standard best practice construction methods, which would be included as part of a Construction and Environmental Management Plan (CEMP) that can be conditioned to be agreed with the Planning Authority (PA) prior to the commencement of development, that the development would not have a significant effect upon the conservation objectives or qualifying interests associated with this European site. .</p>

Screening report	Yes
Natura Impact Statement	No
Relevant submissions	N/A.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Clew Bay SAC (site code 001482)	Clew Bay Complex SAC National Parks & Wildlife Service 2011	Eight metres north of the nearest part of the appeal site boundary	The subject site is a greenfield site within the settlement boundary of Westport. The subject site is located to the rear of the family home which separates the proposed dwelling from Clew Bay and there are mature trees and shrubbery separating the subject site from Clew Bay. There are no apparent direct or indirect ecological or	yes

			hydrological pathways between the appeal site and Clew Bay.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites:

- (a) No direct impacts are anticipated to arise from the development on site given its location outside of any boundary associated within the Clew Bay European sites. There are no hydrological nor ecological pathways connecting the subject site to Clew Bay, due to the intervening family dwelling and the existence of mature trees and shrubbery to the north-west of the appeal site which restricts visibility/ to Clew Bay. In terms of indirect impacts, the applicants state that the appeal site would be served with connections to the public watermains and foul sewer networks. There would be standard construction emissions from construction activity on site in terms of noise, dust and vibration, lighting, storage of construction materials and additional construction traffic. However, these would be typical of a construction site and would be of a relatively short duration.
- (b) Standard best practice construction measures will be used in order to minimise any significant impact arising from the construction methods proposed. These matters would be managed as part of a CEMP, which could be conditioned and agreed in writing with the PA prior to the commencement of development.
- (c) The site-specific conservation objective associated with the Clew Bay SAC site is 'To maintain or restore the favourable conservation condition of habitats and species identified as qualifying interest species within the Clew Bay SAC. In terms of in-combination effects, given the area is zoned agriculture, only a small number of developments have been permitted in the vicinity of the appeal site. The developments permitted were in the main of a minor scale and included proposals for domestic extensions, rural dwellings and agricultural developments. The significant effects identified are indirect ones that would arise during construction of the proposed dwelling. These effects would only arise if best practice construction measures in terms of surface water management, noise, dust, vibration and traffic management measures were not implemented in accordance with an agreed CEMP.

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Clew Bay SAC (site code 001482). <u>Qualifying Interests:</u> Mudflats and sandflats not covered by seawater at low tide</p> <p>Coastal lagoons</p> <p>Large shallow inlets and bays</p> <p>Annual vegetation of drift lines</p> <p>Perennial vegetation of stony banks</p> <p>Atlantic salt meadows</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i>.</p> <p>Machairs</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Geyer's whorl snail</p> <p>Otter</p> <p>Harbour Seal</p>	<p>Direct:</p> <p>No direct construction impacts are likely given the location of proposed dwelling, set back from the Clew Bay SAC boundary, and the intervening family dwelling and private amenity space that exists between the appeal site and Clew Bay and the existence of mature trees and hedgerow separating the two.</p> <p>Indirect:</p> <p>There is potential for indirect impacts to arise during the construction phase in terms of increased noise, dust vibration, contaminated surface water outfall, increased traffic, and storage of construction materials. The AA screening submitted references the installation of a proprietary wastewater treatment system. However, there is correspondence on file from Uisce Eireann confirming feasibility of connecting to the public water services. I am satisfied that the construction impacts would be temporary in nature and it is not envisaged that any significant impacts</p>	<p>It is not anticipated that disturbance or displacement of species within the SAC will arise as a result of the works. Neither is it anticipated that any habitat loss, modification nor fragmentation will arise as a result of the works, given the serviced location of the subject site, and the relatively modest scale of the works and the temporary nature of the proposed works.</p>

	<p>upon the Clew Bay Natura 2000 site would arise. The site is fully serviced in terms of water supply and wastewater and surface water discharge would be to onsite soakpits and, therefore, it is not anticipated that during the operational phase the development will significantly increase over existing levels of activity within the Rosmalley area.</p>	
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If no, is there a likelihood of significant effects occurring in combination with other plans or projects? I am satisfied that the proposals on their own would not lead to adverse effects on European sites nor in combination with other proposed/permited development, nor adversely impact on the qualifying interests nor on the conservation objectives associated with the Clew Bay SAC by reason of deterioration of water quality. Overall, I am satisfied that cumulative impacts are not anticipated. Within Section 3.8.1 the AA screening report submitted by the applicants, it states the following ‘It is not considered that the proposed project will have any potential impact on the Natura sites in question either alone or in combination with other plans or projects as outlined in this screening report.’ I also consider that with the implementation of the best practice construction measures that would be included within a Construction Environmental and Management Plan (CEMP), ‘that it can be objectively concluded that the proposed development, individually, or in combination with other plans or projects, will not adversely affect the integrity of any European site’.</p> <p>I note that that Mayo County Council accepted the conclusion as set out within the applicants’ AA screening report. Based on the</p>	

	information available, I would concur with the opinion of the Planning Authority, that the development, either alone, or in combination with other permitted or proposed development, would be unlikely to significantly affect the qualifying interests nor conservation objectives of the Clew Bay SAC.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. The subject site is not located within the Clew Bay SAC and, therefore, no risk of habitat loss or fragmentation or adverse impact upon species identified as qualifying interest features within the Clew Bay SAC will arise as a result of the development works. Neither is there any habitat of interest located within the appeal site that would be suitable to serve for any of the protected species as protected by the SAC designation in terms of foraging.	
	Impacts	Effects
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Clew Bay SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Clew Bay SAC in view of the conservation objectives of this site and, therefore, can be excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Having regard to the relatively minor scale and nature of the proposed development.
- The location removed from the nearest Natura 2000 sites and the absence of hydrological or ecological connections to the waterbody,
- A full and detailed assessment of all aspects of the proposed project including the Conservation Objectives of the aforementioned designated sites.
- An 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 potential for likely adverse effects on the integrity of the Clew Bay SAC.