



An
Coimisiún
Pleanála

Inspector's Report ABP-322576-25

Development	Construction of a house with garage and all associated site works.
Location	Rusheen, Carrowholly, Westport, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2460777.
Applicant(s)	Nicole Moran.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal.
Appellant(s)	Nicole Moran.
Observer(s)	None.
Date of Site Inspection	19 th June 2025.
Inspector	Ciarán Daly.

1.0 Site Location and Description

- 1.1. The subject site is located close to the start of a peninsula within Clew Bay. It consists of a rectangular shaped grassland site which slopes uphill initially from the front roadside boundary and towards the western side boundary before sloping downhill towards the rear. The area adjacent to the rear of the site slopes further down towards the coastal inlet (Clew Bay Complex SAC and PNHA). There is hedgerow on three sides and an existing field entrance gate along the front boundary with the public road, a local road L-18021.
- 1.2. There is a boathouse adjacent to the rear/side of the site and a detached bungalow dwelling to the western side which is at a somewhat higher elevation and this is the applicant's family dwelling. To the eastern side of the site there is an agricultural field and associated buildings. Directly opposite the site there are agricultural fields with associated sheds to the rear and adjacent to this to the east are two detached bungalow rural dwellings. The site is c.4.8km to the west of the centre of Westport.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Construction of a detached dwelling with front and rear facing gable wings joined together by a central pitched roof element and including garage.
 - On-site wastewater treatment system.
 - The application is accompanied by a Site Specific Flood Risk Assessment and an AA Screening Report.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to land registry portfolio details indicating all lands in family ownership, a revised site layout

plan showing the nearest high water mark and flooding; and to submit a section through north to south.

The P.A. subsequently decided to refuse permission for two no. reasons which related to contravention of Policy Objective RHO 4 and the precedent this would set in a scenic coastal location; and failure to comply with Standard 2.10 of the Development Plan where percolation areas must be at least 100m from the high water mark in coastal area and would be contrary to Policy Objective RHO 4 in failing relevant public health and environmental criteria.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report notes that additional information is required in relation to land folio details and maps indicating all lands in family ownership at the location, a revised site layout plan indicating the distance of the percolation area from the nearest high-water mark and to the nearest area liable to flooding; and a section drawing showing existing and proposed levels.

The report noted the information requested was provided. The report noted the family landholding consists of the adjacent dwelling and the subject site such that no alternative site is available. It noted that due to the proximity to the high water mark (73m) that it fails to comply with RHO 4 and Standard 2.10 of the CDP. Two reasons for refusal were recommended.

3.2.2. Other Technical Reports

- Area Engineer: No report received.
- Environment – Flood Risk: No objection following review of SSFRA as the site is subject to coastal flooding.
- Water Services: No report received.

3.3. Prescribed Bodies

- Uisce Éireann: No report received.

- Department of Housing, Local Government and Heritage: It noted concerns in relation to the Screening Report in relation to seals while noting the proposed development should have no impact on same. It noted the report inaccuracies are not acceptable for a planning application.
- An Taisce: No response received.
- The Heritage Council: No response received.

3.4. Third Party Observations

None received.

4.0 Planning History

94/58: Permission granted by the P.A. for a dwelling house and septic tank.

Sites in the Vicinity

03/1906: Permission granted by the P.A. at adjacent site to west for a boathouse and slipway.

06/3197: Permission granted by the P.A. at site c.90m to north-west for a dwelling house, garage and septic tank and percolation area.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028 (the CDP)

Volume 1

Chapter 3 – Housing

RHO 1 – 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.

3. Returning immigrants who spent a period of their lives living in the rural area in which propose to build and now wish to return to reside close or convenient to family members or guardians to care for or support them or work locally or to retire.

4. Persons involved in farming activity including equine enterprise, or persons employed or are intending to take up employment in any other local service, enterprise or profession.

5. Persons whose health circumstances require them to live in a particular environment or close to family support. Applicants qualifying under this category of housing need are required to demonstrate by way of medical decentration why this is preferable.

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.

RHO 4 – 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.

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

Chapter 10 – Natural Environment

NEO 4 To protect and enhance biodiversity and ecological connectivity in County Mayo, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife, where these form part of the ecological network.

Volume 2

Section 2.10 Effluent Treatment Systems

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.

Section 8.3 Flooding Risk Assessment

Some lands are liable to flooding or development proposals may give rise to flooding in other areas. In such cases a Site Specific Flood Risk Assessment may, as appropriate be required. Flood Risk Assessments shall be carried out by suitably qualified persons and set out in accordance with the requirements of Mayo County Council.

A Flood Risk Assessment shall:

- Assess existing flood risk in terms of likelihood of flooding and resultant consequences.*
- Consider the impact of the development on flood risk elsewhere.*
- Assess the potential post-development risk, having regard to the design of mitigation and compensation measures.*
- Be transparent and follow the Justification Test noted in “The System and Flood Risk Management Guidelines” DoECLG 2009.*

Section 8.4 Effluent Treatment Systems

The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals i.e. the EPA Wastewater Treatment Manuals-Treatment Systems for Single Houses (2009) and the EPA Wastewater Treatment Manuals- Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (including any updated or superseding document or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals).

Section 12.2 Stone Walls, Trees and Hedgerows

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees. The retention of existing planted site boundaries

will be encouraged within new developments, particularly where it is considered that the existing boundary adds positively to the character/visual amenity of the area.

New planting schemes should consist of local native plant types that are indigenous to the area and can be incorporated into sites to enhance the visual amenity and the biodiversity of the area. Landscaping plans should be submitted with all planning applications and the inclusion of semi-mature trees in larger development schemes will be required. Where sites contain mature trees and/or substantial hedgerow(s) a detailed tree and hedgerow survey should be submitted clearly outlining the extent of what will be retained and replaced. Any existing mature trees must be protected during site development works and incorporated into the scheme design.

5.2. Regional Spatial and Economic Strategy (RSES) (2020) for the Northern and Western Regional Assembly Area

“The NPF confirms that there needs to be a distinction made between areas under urban influence and elsewhere. It confirms that the capacity to provide for single rural housing should be retained for those that have a demonstrable economic or social need to live in the area, subject to all other proper planning and sustainable development considerations. The management of these pressures is a matter for individual local authorities through the development plan process, having regard to the provisions of Ministerial Guidelines and other material considerations”

5.3. National Planning Framework (NPF) First Revision

National Policy Objective 28

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural*

housing in statutory guidelines and plans having regard to the viability of smaller town and rural settlements;

- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

5.4. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The above guidelines seek to facilitate people from rural areas in the planning system. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes.

5.5. EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)”

This code of practice is relevant in relation to the assessment of the proposed wastewater treatment system.

5.6. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.0.01km from Clew Bay Complex Proposed Natural Heritage Area (PNHA) (site code 001482).
- c.0.02km Clew Bay Complex Special Area of Conservation (SAC) (site code 001482).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal on behalf of Nicole Moran can be summarised as follows:

- The design with lower ridge height than the adjacent dwelling and integrated garage has been sited to settle naturally into the landscape.
- Maps of lands and land registry details showing lands within the family ownership is submitted showing the subject site and adjacent site within family ownership.
- The appeal also includes an AA Screening Report and a Site Characterisation Form.

Refusal Reason 1

- In relation to RHO 4, the criteria are met in relation to the design, no available alternative location, high design standards, the setback from the high-water mark is more than 46% greater than the 50m requirement from the EPA Code, compliance in relation to AA screening and no issue with an occupancy clause.
- There are no CDP scenic views, viewing points and scenic routes applicable to the site or area and it does not impinge on views towards Croagh Patrick (see photomontage).

Refusal Reason 2

- The percolation area is located on high ground, c.5m above the high water mark and with a 73m separation distance.
- Given the separation distance and excellent ground conditions, there are no environmental risks from the proposed development.
- Offers to further upgrade the WWTS to a bio-fibrous treatment package and soil polishing filter to mitigate any risks.

- The EPA Code of Practice is the standard for outlining separation distances in these circumstances and is followed by most other Development Plans in the country.
- The EPA Code of Practice is referred to in the CDP as “*the most relevant guidance for individual domestic, commercial or community wastewater treatment systems*” and that “*development proposals will be assessed with regard to same*”.

To note, the appeal was accompanied by a Site Assessment Report prepared by Sitecheck and an Appropriate Assessment of Protected Sites Screening Report.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Landscape and Visual Impact
- Public Health
- Other Issues

7.2. **Principle of Development – New Issue**

7.2.1. In relation to rural housing policy under the CDP, I note the site location within a rural area under strong urban influence (Map 3.1 of the CDP). Accordingly, the applicant is required to demonstrate a social or economic link to the area. I note the P.A. noted no significant issues in this regard. I note per the land folio documents and maps showing her parents’ house adjacent to the site, that the applicant effectively asserts that she meets criteria no. 2 under RHO 1 which is “*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*” and criteria no. 3 “*Returning immigrants who spent a period of their lives living in the rural area in*

which propose to build and now wish to return to reside close or convenient to family members or guardians to care for or support them or work locally or to”.

- 7.2.2. In relation to the above criteria, I note the cover letter with the applicant wishing to return to reside close to her elderly parents. Her parents reside adjacent to the subject site and have done so for over 30 years. I note the Planner’s Report which considered the land registry F.I. request adequate and it noted the family landholding at the location comprises of little more than the subject site with no option to consider a less sensitive site. Noting this, and the submitted documentation, I consider that the applicant has demonstrated her connection to the area and that this is long-term. On this basis, I consider that the applicant has demonstrates compliance with Policy Objective RHO 1 of the CDP as required in relation to the principle of development.

7.3. Landscape and Visual Impact

- 7.3.1. I note that refusal reason no. 1 refers to Policy Objective RHO 4 and the precedent which would undermine the future application of this objective for similar proposals in scenic locations. I note this objective is applicable as it refers to “Mayo’s coastal areas” notwithstanding the location outside of a designated scenic view or protected view under the CDP (e.g. Map 10.2 Scenic Routes and Views). I also note the site location within Policy Area 2 per Figure 10.1 Landscape Sensitivity Matrix where rural dwellings are noted to have medium to low potential to create adverse impacts on the existing landscape character. I note that the CDP does not specifically map coastal areas.
- 7.3.2. I note the dwelling would be the fourth dwelling in a row although it would not appear as such from the public road given that the three other dwellings are setback from the road being accessed by a side laneway. It would be located at a somewhat lower level than the adjacent dwelling to the west and while above the public road level it would be below the level where the ground rises between the public road and the proposed dwelling per the F.I. Site Section drawing.
- 7.3.3. I note the FFL would be below that of the adjacent dwelling by 1.57m and the ridge height of 5.208m (two wings) would be below that of the adjacent dwelling by 2.212m. The ridge height of the central pitched roof section joining the wings would be 3.993m. I note the overall width of the dwelling would be c.22.8m. Overall, when viewed from the public road, while noting the proposed height, I consider that the

width would present a strong horizontal design emphasis although there would be limited visibility from the public road due to the higher area of land to the front of the dwelling.

7.3.4. However, when viewed from the north and the closest public roads to the north-east and north-west across the inlet, I consider that the horizontal emphasis of the design at an elevated position relative to the inlet, and combined with the adjacent line of dwellings, would appear out of character in this rural coastal area. In this regard, I consider the design would not meet the high standards of siting and design sought under Policy Objective RHO 4 for the area. It would also not enhance the landscape character of the area in this regard contrary to this objective of the CDP. I consider that permission should be refused in relation to this issue.

7.3.5. I also note that Policy Objective RHO 5 in relation to the Mayo Design Guidelines for Rural Housing has not been met given the elevated position on the site when viewed from the north and given the horizontal design emphasis which I consider to be more suburban in appearance than rural. I also noted the window openings would be excessively large and horizontal in emphasis for the main front and rear elevations in this regard. This would also be a new issue as it was not referred to in the P.A. refusal reason.

7.4. Public Health

7.4.1. I note refusal reason no. 2 related to the 73m separation distance between the WWTS which was held to contravene Standard 2.10 of the CDP where a 100m separation from the high water mark is required. I note that a Site Assessment report prepared by Sitecheck was been submitted which includes a Site Characterisation Form.

7.4.2. I note the site is located in a regionally important aquifer area where the vulnerability is noted at moderate. I note the trial hole depth of 2m with no bedrock (Dimantian Pure bedded limestone) encountered. The soil noted was mineral topsoil and sandy silt with gravel and cobble below this. The report considered the aquifer to be protected by deep well drained mineral soils. The report notes that the WWTS would be 100m from the high water mark. The groundwater protection response was noted to be R1 and the groundwater vulnerability for the area is moderate. The result of the subsurface percolation (T) value is 20 and the surface percolation (P) value is

17. On this basis, the report recommended a secondary treatment system and soil polishing filter. On my site visit, the bottom of the trial hole appeared partly overgrown and no ponding or water was visible.

7.4.3. In relation to compliance with the EPA Code, I note Table 6.3 requires a minimum depth of 0.9m for polishing filters following secondary systems and the report proposes a 0.9m depth. I note that the minimum separation distances per Table 6.2 would be met including the 50m distance from a lake or foreshore. The distance in this regard is shown to be c.73m on the Site Layout Plan. The recommended secondary treatment system accords with Table 6.4 based on the percolation values. Noting the landscape to the front of the site where the percolation area would be and the Section drawing submitted at F.I. stage, I consider that the proposed WWTS accords with the EPA Code.

7.4.4. However, I also note the CDP Section 2.10 (Volume 2) states *“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”*. In relation to flooding, I note the site location predominantly within Flood Zone C with a section of the site to the north-east located within Flood Zone A / B and the submitted Flood Risk Assessment prepared by Langan Consulting Engineers. This report notes that the elevated position of the dwelling on the site is such that it is not at risk of flooding during extreme tidal surge and that future flooding along this road will be counteracted by the flood relief measures recently undertaken and the justification test is met. It notes no impacts on any access to any water course, floodplain or flood protection located in the vicinity. I note the Environment section of the P.A. reviewed this and had no objection. Accordingly, I do not consider flood risk to be an issue.

7.4.5. In relation to the separation distance from the high water mark which would be c.73m, I note that Section 2.10 is a mandatory standard given the use of the word “shall”. I note the appellant’s reference to the CDP referring to the EPA Code of Practice as *“the most relevant guidance for individual domestic, commercial or community wastewater treatment systems”* and that *“development proposals will be assessed with regard to same”*. Noting this, I do not consider that it negates the requirement of Section 2.10 (Volume 2) of the CPD which is mandatory.

Accordingly, I consider that the proposed development would materially contravene Section 2.10 (Effluent Treatment Systems) of Volume 2 of the CDP.

- 7.4.6. In this regard, I note the Rural Housing Guidelines are Section 28 guidelines, and under these guidelines it states that *“housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way which protects water quality”*. I note the system by which such systems are adjudged to protect water quality is an assessment that meets the EPA Code. As I note the proposed WWTS meets the EPA Code, I consider that the WWTS would protect water quality. Based on this, I consider that while the development would materially contravene this provision there is sufficient basis under Section 37(2)(a) of the Act and justification to accept a separation of 73m in this case.

7.5. Other Issues

- 7.5.1. In relation to the proposed vehicular access, I note Table 4 (Access Visibility Requirements) of Volume 2 of the CDP is relevant. In areas within the 60kph speed limit such as at this location, this requires 90m sightlines. I note no reference to this issue in the Planner's Report. I note that per the Site Layout drawing, that to the east this is contingent on removing or relocating part of the front hedgerow boundary of the adjacent site. I note no consent for this has been supplied and that it would also involve the removal of a significant length of established hedgerow. While some reduction in sightlines may be acceptable, no assessment in this regard has been provided.
- 7.5.2. Accordingly, I consider that the applicant has failed to demonstrate adequate sightlines in accordance with CDP requirements and that a traffic hazard would arise. I consider this would also fail to protect and incorporate existing hedgerow contrary to NEO 4 (Volume 1) and Section 12.2 (Stone Walls, Trees and Hedgerows) of Volume 2 of the CDP. As I have otherwise recommended a refusal of permission and that this is a new issue, the Board may wish to consider whether a refusal of permission is merited in relation to this issue.
- 7.5.3. In relation to drainage, I note the proposed soakaway. Should permission be granted, I recommend a standard SUDS condition to ensure no surface water drains off the site.

8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

- 9.1. Please see Appendix 3 for AA Screening. 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 Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

- 9.2. This determination is based on:

- The modest nature of works.
- The limited potential for any pollution during construction.
- The AA Screening Report submitted prepared by an Environmental Scientist.
- The submission from the Department of Housing, Local Government and Heritage.

10.0 Water Framework Directive Screening

- 10.1. Refer to Appendix 4 for WFD screening. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface

and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development.
- The designed-in measures for compliance with the EPA Code for the wastewater treatment system and the soakaway which can be conditioned and enhanced by requiring SUDS measures.
- The AA Screening Report submitted prepared by an Environmental Scientist.
- The submission from the Department of Housing, Local Government and Heritage.

10.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, 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.

11.0 Overall Conclusion

The above assessment has noted significant issues in relation to the ability to demonstrate sightlines for the vehicular entrance contrary to Table 4 of Volume 2 of the CDP which I note to be a new issue as it was not raised by the P.A..

The assessment also notes that while the proposed development would materially contravene Section 2.10 of Volume 2 of the CDP in relation to the mandatory minimum separation distance of 100m from the high water mark, I have noted that there is a rationale under Section 37(2)(a) of the 2000 Act whereby the Commission can grant permission as the proposal would align with the Rural Housing Guidelines in relation to the protection of water quality having demonstrated compliance with the EPA Code.

To conclude, on the basis of the above, refusal of permission is recommended only in relation to the failure of the dwelling design to accord with Policy Objective RHO 4 of the CDP.

12.0 Recommendation

I recommend that permission be refused for the below one reason.

13.0 Reasons and Considerations

1. Having regard to the Mayo County Development Plan 2022-2028, to the horizontal design emphasis of the proposed dwelling at its location at an elevated position relative to the inlet and surrounding roads, and combined with the adjacent line of dwellings, when viewed from the north-west, north and north-east, the development would appear out of character with the rural coastal area and would negatively impact on the landscape and visual amenity of this coastal area. This would therefore fail to meet the high standards of siting and design and would fail to enhance the landscape character of the area as required under Policy Objective RHO 4. 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.

Ciarán Daly
Planning Inspector

20th August 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322576-25
Proposed Development Summary	A new dwelling with garage and on-site wastewater treatment system.
Development Address	Rusheen, Carrowholly, Westport, Co. Mayo.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322576-25
Proposed Development Summary	A new dwelling with garage and on site wastewater treatment system.
Development Address	Rusheen, Carrowholly, Westport, Co. Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. New single storey dwelling (217.05sqm.), and connection to public water and sewer network.
Location of development (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).	Briefly comment on the location of the development, having regard to the criteria listed The site is adjacent to Clew Bay Complex SAC and PNHA. No significant loss of hedgerow / trees is proposed in the context of the EIA threshold.
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).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Nature of the development with no significant pollution at construction or operational stages, wastewater treatment capacity available on site in accordance with EPA Code such that no likely significant effects on the environment arise.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination Template

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	A new dwelling with garage and on site wastewater treatment system.			
Brief description of development site characteristics and potential impact mechanisms	New single storey dwelling (217.05sqm.), and connection to public water and sewer network. Site area 0.291 ha.			
Screening report	Y- Appropriate Assessment of Protected Sites Screening Report prepared by Sitecheck.			
Natura Impact Statement	N			
Relevant submissions	Development Applications Unit noted concerns in relation to the Screening Report in relation to seals while noting the proposed development should have no impact on same. It noted the report inaccuracies are not acceptable for a planning application.			
The AA Screening Report was prepared by Siobhán Sheil, an Environmental Scientist.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Clew Bay Complex Special Area of Conservation (SAC) (site code 001482)	Qualifying Interests Conservation Objectives , 19 th July 2011	0.02km	Indirect via groundwater and surface water run-off during construction.	Yes

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Silt laden water run-off during construction via groundwater or chemical release during construction via groundwater.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) Qualifying Interests: Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0]	Direct: None. Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. No potential disturbance impact on otter due to 50m buffer. On site wastewater treatment in line with EPA Code and surface water drainage to be contained on site so no operational impacts.	Potential construction related run-off and pollution of such small scale that no significant effects are likely.

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] Conservation Objectives, 19th July 2011		
	Likelihood of significant effects from proposed development (alone): Y/N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
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 Clew Bay Complex Special Area of Conservation (SAC) (site code 001482). 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. 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 Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The modest nature of the works.

- The limited potential for any pollution during construction.
- The AA Screening Report submitted prepared by an Environmental Scientist.
- The submission from the Department of Housing, Local Government and Heritage.

Appendix 4

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>Step 1: The proposed development is for new dwelling including garage and on site wastewater treatment system.</p> <p>Site Area 0.291ha</p> <p>Total floor area 217.05sqm.</p> <p>An on-site wastewater treatment system is proposed and it has been demonstrated that it accords with EPA Code such that no untreated wastewater may escape to groundwater.</p> <p>There is a stream running through part of the site and adjacent to it, the Lackakeely_010 waterbody and the subject site is located within the catchment of this waterbody.</p>			
An Bord Pleanála ref. no.	ABP-322576-25	Townland, address	Rusheen, Carrowholly, Westport, Co. Mayo.
Description of project		New dwelling including garage and on-site wastewater treatment system.	
Brief site description, relevant to WFD Screening,		The site is 0.01km from Inner Clew Bay IE_WE_350_0000 waterbody, a coastal inlet.	

Proposed surface water details		Soakpit proposed on site.				
Proposed water supply source & available capacity		Mains.				
Proposed wastewater treatment system & available capacity, other issues		The applicant has demonstrated that the wastewater treatment system and soil polishing filter would comply with the EPA Code.				
Others?						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

Groundwater	0m	Newport (IE_WE_G_0023)	Good	Not at risk		Surface water run-off, treated wastewater discharge to groundwater. Directly hydrologically connected to watercourse.
Coastal Waterbody	0.02km to north	Inner Clewbay (IE_WE_350_0000)	Moderate	Review	Public health, Local Authority Water Program, Restoration	Surface water run-off, treated wastewater discharge to groundwater. Indirectly hydrologically connected to watercourse.
River Sub Basin	c.0.3km to north-west	Cloonkeen_010 (IE_WE_32C380790)	Good	Review		Surface water run-off, treated wastewater discharge to groundwater. Indirectly hydrologically connected to watercourse.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Groundwater	Newport (IE_WE_G_0023) (status good)	Under site	Siltation, pH (Concrete), hydrocarbon spillages	No detail of construction practices	Yes	Screened in
2.	Surface	Inner Clewbay (IE_WE_3	Via land sloping towards	Siltation, pH (Concrete),	No detail of	Yes	Screened in

		50_0000) (status moderate)	watercourse adjacent to site.	hydrocarbon spillages	construction practices		
3..	River Sub Basin	Cloonkeen_010 (IE_WE_32C380790) (status good)	Pathway interrupted by intervening area of large coastal water and flow direction of river in opposite direction	No pathway link	Not required	No	Screened out
OPERATIONAL PHASE							
4.	Groundwater	Newport (IE_WE_G_0023) (status good)	Through ground	Surface water run-off and treated wastewater discharge to groundwater	Soakpit, SUDS measures can be conditioned, compliance	No	Screened Out

					e with the EPA Code can be conditione d		
5.	Surface	Inner Clewbay (IE_WE_3 50_0000) (status moderate)	Via land sloping towards watercourse adjacent to site.	Surface water run-off and treated wastewater discharge to groundwater and onwards to coastal water	Soakpit, SUDS measures can be conditione d, complianc e with the EPA Code can be conditione d	No	Screened Out
6.	River Sub Basin	Cloonkeen _010 (IE_WE_3 2C380790)	Pathway interrupted by intervening area of large coastal water and flow	No pathway	Not required	No	Screened Out

		(status good)	direction of river in opposite direction.				
DECOMMISSIONING PHASE							
9.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Surface water and Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the		<u>Objective 2 : Surface Water and Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance		<u>Objective 3: Surface Water and Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity		Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed

	status of all bodies of groundwater	between abstraction and recharge, with the aim of achieving good status*		without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 : Construction	Adherence to construction best practice including silt traps and storage areas for chemicals.	Conditioning adhere to construction best practice to protect groundwater	N/A	Yes
Development Activity 2: Construction	Adherence to construction best practice including silt	Conditioning adhere to construction best	N/A	Yes

	traps and storage areas for chemicals.	practice to protect groundwater		
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I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, 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.

The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The designed in measures for compliance with the EPA Code for the wastewater treatment system and the soakaway which can be conditioned and enhanced by requiring SUDS measures for agreement with the P.A..
- The AA Screening Report submitted prepared by an Environmental Scientist.
- The submission from the Department of Housing, Local Government and Heritage.