



An
Coimisiún
Pleanála

Inspector's Report ABP-322613-25

Development	Alterations and extension to house to include demolition of garage and construction of new garage together with all associated site works.
Location	Murrisknabol, Murrisk, Westport, Co Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	2560046
Applicant(s)	Bríd McGing.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Raoul Downey and Frances Delaney.
Observer(s)	None.
Date of Site Inspection	21 st August 2025.
Inspector	C. Daly

1.0 Site Location and Description

- 1.1. The subject site, of area 0.227 ha., consists of a detached pitched roof bungalow dwelling and adjacent pitched roof garage somewhat towards the rear and a shed like structure towards the front set back from the public road with a container located to the rear of this. There is a driveway which leads past the modest shed structure up to the dwelling. There is a cottage dwelling opposite across the road to the east with part dormer element and uphill to the side there is an adjacent dwelling and an adjacent dwelling to the rear which is part of a cluster of three dwellings in the vicinity. There are mature trees in the vicinity of the eastern boundary such that views of the site are limited from the public road although it is open to views across the water from the south from the R335. The site slopes downhill from north to south and from west to east.
- 1.2. The local road adjacent to the site is a single laneway in width. Adjacent to the south of the site is Murrisk Strand, a coastal inlet, which is part of Clew Bay Complex SAC and PNHA. The rural site is c.6.4km to the west of Wespport town and c.12.7km to the east of Louisburgh.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Alterations and extensions to existing house consisting of internal and external demolition and new expanded dwelling footprint over part two storeys with main two storey pitched roof element facing the road and parallel two storey pitched roof element to rear linked by a central single storey area with three parallel pitched roofs perpendicular to the front and rear two storey elements.
 - Demolition of existing domestic garage and boiler shed.
 - Construction of new domestic garage with double parallel pitched roof and two wide entrance doors towards the front of the site.
 - Ancillary landscaping works.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to a revised site layout plan to include floor levels, distance to adjacent dwellings, ridge heights and levels of adjacent dwellings, details in relation to the septic tank upgrade, landscaping and trees to be removed. It also requested a revised front elevation without the outline of the existing and window style details.

Following F.I. the Council decided to grant permission subject to 5 no. conditions.

Notable conditions include:

- Condition no. 2 provided that the wastewater treatment system be installed in accordance with the EPA Code.
- Condition no. 3 provides that the garage / shed shall be used only as a private domestic garage / shed and shall not be used for agricultural, industrial or commercial purposes or be converted for human habitation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report noted that a previous application was refused in relation to design and its impact from the R335 opposite, a designated scenic route, and in relation to the impact on adjacent dwellings. By comparison with the previous design, it notes that the two storey element to the east reached 8.4m in height and this is reduced to 7m and that the rear wings have also been reduced. It noted a photomontage comparing this proposal with the previous. It noted the revised proposal to be less obtrusive on the landscape. It recommended requesting details in relation to floor levels, ridge heights and distances to neighbouring dwellings. It also advised requesting a revised front elevation for detail and in relation style of windows. Details were also recommended to be requested in relation to the landscaping scheme.

Following F.I., it noted a significant reduction in the ridge height of the dwelling which it considered results in the design being less obtrusive on the landscape. It noted the three dwellings to the rear of the site to be located c.4m above the existing

dwelling and that the dwelling to the east is at a level 2m below the existing and that it is 54m from the proposal. It noted the landscaping scheme and that the proposed septic tank upgrade will improve the current situation on the site with a tertiary system proposed.

3.2.2. Other Technical Reports

- Road Design: No objection.
- Environment (Flood Risk): No further assessment required.

3.3. Prescribed Bodies

An Taisce: No response received.

The Heritage Council: No response received.

Development Applications Unit: No response received.

3.4. Third Party Observations

4 no. third party observations were received. These can be summarised as follows:

- The proposal has not changed by comparison with the previous refusal.
- The design is out of keeping with the existing house and neighbouring properties.
- The design is for a new dwelling and new buildings.
- The proposal will block light, invade privacy and impact on views and devalue property in the vicinity.
- Rural housing policy must be applied.
- Concerns regarding discrepancies in relation to the size of the proposal.
- The site is part of a scenic view towards Clew Bay from the R335 opposite.
- Concerns regarding absence of landscaping detail and removal of large trees.
- The applicants are not full-time residents.
- Concerns in relation to access for machinery.
- Issues in relation to the public notice descriptions and site notice.

4.0 Planning History

24/60437: Permission refused by the P.A. for alterations and extensions to an existing house, new garage and demolition of a garage and boiler house.

Two reasons for refusal related to (1) failure to integrate with the highly scenic rural landscape, injure to the amenities of the area, material contravention of development objective NEO 25, would be incongruous in the sensitive rural landscape, out of character with surrounding development, would adversely impact the visual amenity of the area and interfere with the highly scenic rural landscape; and (2) by reason of scale, bulk and height the proposal would not be in keeping with the character of the existing dwelling on site and with neighbouring properties and would be visually obtrusive in the scenic setting and would seriously injure the amenity of adjoining dwelling and depreciate the value of property in the vicinity.

Sites in the vicinity

17/936: Permission granted at site opposite to east for first floor extension over existing garage and conversion of part of attached single storey garage for use as a store/pantry.

5.0 Policy Context

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

Per Map 10.2 (Scenic Routes and Views), the R335 opposite to the south is designated as a scenic route.

Chapter 3 – Housing

RHO 10 *To require that any proposal to extend/refurbish an existing rural dwelling house, occupied or otherwise, takes account of the siting and size of the existing building and endeavours to ensure that the design, scale and materials used in the refurbishment and/or extension are in keeping and sympathetic with the existing structure and that mature landscape features are retained and enhanced, as appropriate.*

Chapter 10 – Natural Environment

NEP 14 *To protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character.*

Section 10.4.7 Landscape

NEO 25 *To consider applications for development, along Mayo's Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:*

- *Does not impinge in any significant way on the character, integrity and distinctiveness of the area.*
- *Meets high standards in siting and design.*
- *Contributes to and enhances local landscape character.*
- *Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations.*

Rural housing applications along Scenic Routes must comply with the requirements set out in Objective RHO 3 (Chapter 3).

NEO 26 *To consider applications for development, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, that 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.*
- *Contributes to and enhances local landscape character.*
- *Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations.*

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 8.4 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).

5.2. EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent \leq 10)” (the EPA Code)

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

5.3. Natural Heritage Designations

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

- Adjacent to Clew Bay Complex Special Area of Conservation (SAC) (site code 001482).
- c.0.018km to the north of Clew Bay Complex Proposed Natural Heritage Area (PNHA) (site code 001482).
- c.0.7km north of Croagh Patrick PNHA (site code 000483).
- c.1.8km west of Knappagh Woods PNHA (site code 001520).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeal on behalf of Raoul Downey and Frances Delaney can be summarised as follows:

- The same development, in effect, was recently refused permission in relation to its design and the impacts in relation to the sensitive rural landscape and scenic route given its scale, bulk and height and impacts on residential amenity and the character of the area.
- The previous Planner's Report noted the application was in effect for a new dwelling and demolition of the existing with no similarity to what is on site and the scale was considered excessive and an obtrusive feature in the landscape from the R335.
- The revised proposal makes no alterations to the design, scale or bulk of development yet the P.A. did not consider this relevant and permission granted for a development of the same design, scale and bulk as previous.
- The fact that the height of the development has allegedly been lowered did not alter the design, scale and bulk.
- There is no material difference between the two applications in terms of their impact and the initial assessment should have applied to the revised proposal.
- The proposal will have a significant visual impact on the vista from the scenic route and will be out of keeping with surrounding properties and will destroy the natural rural environment.
- The planning officer did not revisit the site after the objections and did not address the objectors' concerns.
- The P.A. assessment relied on misleading information and failed to take into account the visual impact of the proposal including in relation to the submitted photos.
- The proposal fails to conform with the CDP including policies RHO 10, NEP 14 and NEO 26 in terms of scale, design and bulk.

- Rural housing objectives apply as the proposal is effectively for a new build and the applicants have no genuine need in this regard.
- The reduction in ridge heights do not make the proposal less obtrusive and the photomontages do not show the effect of the east extension southward which make it more prominent on the approach into Murrisk from the R335.
- The decision of the P.A. cannot be justified.
- The F.I. information in relation to floor levels and distance from adjacent dwellings was not verified and is materially inaccurate with the distance to the property overstated by about 10m and the difference between the floor level of the property to the east and the ridge height proposed is 10m to 12m.

6.2. Applicant Response

A response to the third party appeal on behalf of the applicant was received which can be summarised as follows:

- Questions raised in relation to the validity of the appeal as it is stated the appellant's original objection was withdrawn by the P.A..
- The site is large at 0.227ha but only contains a 1970s bungalow and the house was redesigned to lower the height of the east wing and is part of a cluster of houses to the rear on higher ground levels. If granted, any views looking up at the site would see dwellings at a higher level and the proposed development would be integrated with its surroundings.
- The east wing height was reduced by 2.2m by dropping the ridge, eaves and finished floor level and the height of the rear and west wings has been reduced.
- A visual mitigation report accompanies the design including new photomontages.
- The P.A. addressed the F.I. noting the significant reduction in the ridge height being less obtrusive on the landscape and addressed the third party objections noting the heights of the three dwellings to the rear above the site and the separation distance with the dwelling to the east.

- There is a significant benefit from the upgrade of the septic tank to provide a tertiary WWTS.
- The appellants purchased their property opposite in the knowledge that there were a number of residences in the vicinity that could seek exempted development extensions or to apply for extensions and the applicant did not object to the appellant's extension proposal or appeal it.
- There is a significant separation distance between the subject site and the appellant's property with no visual relationship between the two.
- The appellant's planning application was not refused permission and they changed their design at F.I. stage to remove a first floor extension and did not upgrade the wastewater treatment system.
- The applicant is perplexed that the appellant has not responded positively to the significant design changes.
- The appellants stated in their planning application that the site was not located close to a European site when the site adjoins an SAC.
- The only possible adverse impact relates to the construction phase.
- The applicant does not find the appellant's environmental concerns credible given that in their application, an AA Screening Report was requested and not provided and noting the ageing waste water treatment system 1200m from a Natura 2000 site which it is asserted it is not possible to upgrade to code.
- The appellants cannot legally represent the views of others third parties in this matter.
- No expert evidence is offered by the appellants to challenge the views of the P.A. and its technical departments.

Response to Item 1 of Ground 1

- It is irrational to expect an amended application to be considered in the same way as a different previous application and the applicant amended their own application in response to the P.A. concerns.

Response to Items 2, 3, 4 and 5 of Ground 1

- The subject application and the previous application are materially different and the height of the east wing has been significantly reduced. The applicant's statement has no basis in fact.
- The P.A. justified its decision in response to the design changes.
- The letter includes confirmation of the site survey and the equipment used and the allegations in relation to inaccurate and misleading measurements are unfounded.
- The development will not have a significant aesthetic effect on the vista from the R335 as demonstrated by the submitted images.

Response to Item 6 of Ground 2

- The appellant cannot rely on allegations of impacts on others to justify their case and comments pertaining to parties not involved in the appeal should be disregarded.

Response to Item 7 of Ground 2

- The allegation in relation to the site visit should be disregarded and correct process to inspect the site and site notice was followed.
- There is no entitlement to a view under Irish planning law.
- The applicant's photos show the development cannot possibly interfere with the view from the appellant's property and the reduction in height and significant setback is more than adequate to mitigate any possible visual impact.
- In the case of the appellant's previous planning applications for extensions, in neither case did the P.A. consider there to be any adverse visual impact in a cluster of dwellings.
- No submission was made by An Taisce in contrast to the appellant's 2009 application.

Response to Item 8 of Ground 2

- The reference of policies of the County Development Plan lack any specificity.

Response to Item 9 of Ground 3

- The appellant's submission is characterised by double standards by reference to their own planning application.
- Reference in relation to certain policies is made because they were included in the previous refusal and the development complies with these.

Response to Item 10 of Ground 3

- Neither version of the drawings, with and without the existing dwelling outline, is acceptable to the appellants.
- The proposals are clearly set out.
- The appellants' extended dwelling is large for a small site, close to the shoreline and highly visible from the public road. The applicant's dwelling is modest on a larger landholding set back from the shoreline and the public road and is surrounded by existing dwellings.
- The original bungalow is incorporated into the design and is well articulated.
- This is an area where significant clustering of residential development has occurred and there are a variety of dwelling designs and sizes and the proposal will fit into this context with negligible or no impacts arising.
- The site levels, as confirmed by the architect, are based on a site survey and all the drawings are accurate
- The current application should be assessed and not the previous one.

Response to Item 11 of Ground 3

- The appellant obtained permission for their own dwelling and were not assessed for compliance with CDP rural housing policy.
- Neither the Development Plan nor the Rural Housing Guidelines require owners of existing occupied rural homes to meet rural housing policy requirements each time they wish to develop their property.
- Development Plan policy includes provisions to improve the energy efficiency of dwellings and the need to strip back the existing dwelling for this purpose is a positive.

Response to Item 12 of Ground 3

- The extensions to the existing dwelling are not significant in the landscape context.
- The appellants note that the proposal is less intrusive and this should be noted.
- No photomontage of the eastern elevation has been provided as it was not requested and given the adequate high quality drawings.

Response to Item 13 of Ground 3

- The appellants include no specificity in relation to the CDP policies they say are not conformed with and the criticism of the decision as perverse is unjustified.

Response to Ground 4

- The accusation in relation to misleading information is not justified and no expert survey or drawings are presented to justify this in contrast to the approach of the applicant.
- Even if the setback figures provided were out by 5m, the setback would remain more than adequate.
- The proposal will extend the applicant's dwelling just over 2m closer to the appellant's dwelling which is less than a 0.04% change.
- The proposed FFL will be 2m above the appellant's own FFL and there can be no possible significant adverse effects.
- The submitted photo shows how far back the proposal will be from the appellant's dwelling, a single storey structure.

Response to Objection

- The appeal response also includes a response to allegations made in the appellant's original objection.

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:

- Visual Impact
- Precedent
- Wastewater Treatment
- Other Issues

7.2. Visual Impact

- 7.2.1. The appellants have argued that the proposal is effectively for a new dwelling. However, while I note significant demolition of the existing dwelling is proposed, I also consider that sufficient retention of the design form of the existing would be retained such that on completion, the development would read as an extension and modernisation of the existing. In this regard, I note the use of a pitched roof style of development for the central element and the modernised window treatment and overhang on the southern elevation and that the extensions to the east and west, and north, would enclose the central element with new expanded pitched roof forms and the central element would read from the south as a modern interpretation of the existing bungalow.
- 7.2.2. I also consider that the design of the new eastern and western wings includes windows and doors with sufficient vertical emphasis to break up the longer facades. I also note the significant energy upgrade proposed of the property given current near zero energy rating standards in the building regulations. On balance, I consider this approach in relation to demolition and extension to be acceptable and in design and sustainability terms. I do not consider the proposal to effectively be for a new dwelling. I consider that the extension approach complies with policy RHO 10 would be in keeping with the existing structure on the site.
- 7.2.3. Having reviewed the revised drawings presented at F.I. stage, I note the reductions in ridge and eaves heights proposed, for example a reduction of up to 1.37m in ridge height and 0.85m in eaves height, particularly to the eastern extension element which would be c.54m from the appellants' dwelling to the east. I note the revised ridge height of 7m and eaves height of 4.65m and the 14.2m width of the eastern

elevation. I note the finished floor levels (FFL) would be significantly below that of the adjacent dwellings to the north and west, for example, c.3.9m below the adjacent dwelling to the north such that I am satisfied there would be no undue overbearing impacts or significant visual impacts on these dwellings in proximity.

7.2.4. The FFL would be above that of the appellant dwelling to the east by up to c.2.226m and the eastern elevation would be two storeys in height. Having visited the site and observed the surroundings, I note the lower ground height of the appellants' dwelling to the east and that its gable ends do not directly face the subject site, rather views from the gable ends are angled, and that the height and bulk of the development, including the east wing, is similar to that of a standard two storey height.

7.2.5. I also note that the existing trees and planting in and around the subject site eastern boundary largely obscure views from across the road to the subject site when viewed from the east. In this context and noting the large separation distance from the appellants' dwelling, I do not consider that there would be a significant visual impact to the east in the context of the size and bulk form of the extensions, their relative positions on the site and noting the site levels and surrounding levels.

7.2.6. Noting the above, I am satisfied that there would be no overbearing impact on the dwelling to the east. I also consider that insofar as views would be available from the dwelling to the east, they would not be excessive in the immediate context of the site which is characterised by number of dwellings in relatively close proximity for a rural area including the appellants' dwelling part of which includes a dormer element. While noting that there is no entitlement to a view under Irish law or policy, noting the angle of views available over the site from the site, I do not consider that views of Croagh Patrick would be significantly interfered with noting the lack of direct views of same available from the appellants' dwelling. I have had regard to the appellants' submitted photos in reaching this conclusion.

7.2.7. I also note there would be no undue overlooking or overshadowing impacts on residences in the vicinity such that I am satisfied that residential amenities in the area would be protected. Accordingly, I have no concerns in relation to undue devaluation of properties in the vicinity.

7.2.8. I note the immediate character of the area is characterised by a number of bungalow and dormer dwellings and that within close proximity to the north and west there are

a significant number of rural detached dwellings in close proximity such that I consider the rural character of the area in the immediate vicinity has been partially eroded by the existing residential development. Noting this and the submitted photomontages, which show the proposed development to sit well within the site such that I consider it would not appear excessively visually dominant in the semi-rural landscape including when viewed from the east, south and west across the inlet. I consider that the proposal would integrate with the dwelling on the site and with the character and distinctiveness of the area in this regard.

7.2.9. I note the use of modern and rural type design typologies such that I consider the design to be of a high quality in terms of siting and detailing. Noting the landscaping for the site which include retention of the existing ash and lime trees in the vicinity of the eastern site boundary and the existing planting along the southern boundary, I consider that it would contribute to and enhance the local landscape character to an appropriate degree given that I consider it would not be excessively scaled or inappropriately positioned on the site. I consider that the proposed design accords with Policies NEP 14 and NEO 25 and NEO 26 of the CDP in this regard.

7.2.10. I also note the demolition of the existing garage adjoining the house would facilitate the proposed extension. I consider the proposed new garage to the east of the extended dwelling and to the west of the existing shed type structure would not be excessively scale and would integrate with the extended dwelling, site and surrounds and I am satisfied that it would accord with CDP policy in integrating with the character of the site and surroundings.

7.3. Precedent

7.3.1. The appeal refers to the previous refusal of permission and the reasons therein under reg. ref. 24/60437. The appellants contend that the subject proposal is substantially the same as the previous proposal, that it is for a new dwelling in effect and that it follows it should be refused for the same reasons as the previous application and that the decision not to do this by the P.A. was perverse. Having compared the drawings submitted at F.I. stage with the drawings initially submitted and with the drawings submitted in the previous application and noting the

clarifications submitted at F.I. stage and the Photomontage Report submitted at F.I. stage, it is evident that the proposal has been significantly revised by comparison with the previous application. Accordingly, I will assess the proposal on its merits in terms of its impacts on its surroundings and by reference to CDP policy, while having regard to applicable aspects of the previous planning decision and assessment.

7.3.2. Part of the previous refusal reason cited a material contravention of policy NEO 25 of the Development Plan. Per my visual impact assessment above and the remaining assessment, where I note no significant negative adverse impacts on the character of the area, in relation to siting and design and in relation to contribution to the landscape character, I note no material contravention of NEO 25 and I consider the proposal accords with this policy.

7.3.3. Moreover, noting my above assessment and the significantly reduced scale and bulk of the development by comparison with the previous proposal, I am satisfied that it would be in keeping with the character of the dwelling on the site, with surrounding development and not be incongruous with the scenic rural landscape and surrounding residential development.

7.4. **Wastewater Treatment**

7.4.1. In relation to wastewater treatment on site, I note the submitted 'Proposed Site Treatment System' report prepared by Raymond Moran (Engineer) for the upgrade of the septic tank in the south-west corner of the site to a proprietary treatment system. This includes a Site Characterisation Form to EPA format. I note there is an existing septic tank system for the dwelling towards the south-west corner of the site.

7.4.2. The site is located above a locally important karstified aquifer. The bedrock beneath the site is considered to be highly vulnerable and to be poorly productive in relation to groundwater. The form notes the soil type to consist of Glaciofluvial sands and gravels and the subsoil to be sandstone sands and gravels. The depth of trial hole was noted to be 2.3m with no bedrock or water ingress encountered. The report found a subsurface percolation value of 12 and surface percolation value of 14 based on the three test results. A ground protection response of R1 was found.

7.4.3. Given the proximity to coastal waters, the report recommended a secondary wastewater treatment system and discharge to coco filter and final discharge to

ground. A tertiary treatment system is recommended for the treatment of effluent. This is consistent with Table 6.4 of the EPA Code based on the percolation values observed.

- 7.4.4. In relation to the EPA Code, I note the minimum depth of unsaturated soil requirement of 0.9m is met per Table 6.3. I note in relation to Table 6.2 that minimum separation distances would not be achieved in relation to the foreshore (50m) with the system to be located c.15m of the foreshore.
- 7.4.5. I note the existing septic tank on the site for the dwelling. The proposal is for extensions to the dwelling and an effective doubling of the capacity required for wastewater treatment. I note that the septic tank for the existing dwelling, given the site location and restrictions, cannot be repositioned to achieve a 50m separation distance from the foreshore or a significant increase in separation distance. In this context, noting that the site is otherwise suitable for the treatment and disposal of wastewater, the proposal includes provision for a tertiary wastewater treatment system above the standard secondary treatment system, I consider that the proposed wastewater treatment system would be a significant improvement relative to the existing septic tank system notwithstanding that it would be located within 50m of the foreshore.
- 7.4.6. On the basis of a significantly improved wastewater treatment system and reduced environmental impact (per Section 2.2 of the EPA Code), I consider that overall the proposed wastewater treatment system would be acceptable having regard to the EPA Code. I also note that Policy Section 2.10 (Effluent Treatment Systems) and Section 8.4 (Effluent Treatment Systems) of Volume 2 of the CDP refer to proposed dwellings and the subject proposal is for an extension. In this context, I am satisfied that the proposed development would significantly improve the existing method of wastewater treatment on the site enhancing the environment of the site and of that in the vicinity and I consider this to be acceptable in relation to impacts on public health for a significant extension proposal. This would be acceptable having regard to Sections 2.10 and 8.4 of Volume 2 of the CDP policies on-site wastewater treatment. I note that should the Commission disagree with this interpretation and consider that refusal of permission is merited, that this would constitute a new issue.

7.5. Other Issues

- 7.5.1. In relation to drainage, I note the proposed soakpit and should permission be granted, I am satisfied that drainage arrangements can be catered for on site and I recommend a standard condition in relation to same. I note the existing dwelling is supplied by public mains for water supply.
- 7.5.2. I note the appellants have suggested that the applicant be required to comply with the rural housing policies of the CDP. However, I note that the proposal is for an extension of an existing dwelling on the site such that the principle of a dwelling on the site has been established. I note this would be the same for a replacement dwelling. In this context, I am satisfied that there is no requirement for the applicant to demonstrate compliance, for example by showing links to the rural area or an agricultural occupation in the area.
- 7.5.3. The appellants have raised issues in relation to the accuracy of the drawings. Having reviewed the drawings and the images presented, including those at F.I. stage, and in the context of my site visit, I am satisfied in relation the reliability of the drawings for the purposes of this assessment.
- 7.5.4. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice and suggestions in relation to the timing of the P.A. site visit, I note that such matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations and that the P.A. assessment is made after the closing date for observations and standard procedures were followed. The above assessment represents my de novo consideration of all planning issues material to the proposed development
- 7.5.5. In relation to flood risk, I note the site location within Flood Zone C and that no concerns were expressed by the P.A.. Noting this and in the context of the existing dwelling on the site, I am satisfied that there is no significant flood risk to the development or arising from the proposal.

8.0 EIA Screening

8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 AA Screening

9.1. I note the submitted AA Screening Report prepared by Sitecheck. 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 (see Appendix 2), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) in view of the site conservation objectives. Appropriate Assessment is required.

9.2. This determination is based on:

- The nature of the construction works and proximity of the site to the SAC and potential for disturbance or other impacts on the qualifying interests of the SAC or the potential for polluted run-off from the site adjacent to the SAC and the potential need for mitigation in this regard and the failure to address this in the submitted AA Screening Report.
- The absence of detailed dated surveys in relation to the qualifying interest species of the SAC and their location relative to the site to support the conclusions put forward in the AA Screening report in relation to the presence of otters within the SAC relative to the subject site.
- NPWS data.

10.0 Water Framework Directive

10.1. The subject site is located adjacent to Westport Bay and above the Clifden Castlebar groundwater body. The proposed development comprises extensions to a house

and a new garage. No water deterioration concerns were raised in the planning appeal.

10.2. 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 & 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.

10.3. The reason for this conclusion is as follows:

- The domestic nature of the works.
- Standard construction management measures.
- The upgrade of the wastewater treatment system on the site.

10.4. 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 Recommendation

I recommend that permission be refused.

12.0 Reasons and Considerations

Having regard to the policies and objectives of the Mayo County Development Plan 2022-2028, to the nature and scale of the proposed development and its relationship with the surrounding area and Clew Bay Complex Special Area of Conservation (SAC), the submitted Appropriate Assessment Screening Report, noting the absence therein of dated species surveys of the SAC, absent detail therein as to how disturbance impacts on some of the qualifying interest species can be credibly

avoided in the absence of mitigation, there is an absence of reliable information on which Appropriate Assessment Screening or Appropriate Assessment of the proposed development can be made in accordance with the requirements of Article 6 of the Habitats Directive. It is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) in view of the site conservation objectives. Accordingly, the Commission is precluded from granting permission in these circumstances. The proposed development would, therefore, not be in accordance with 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

29th August 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322613-25
Proposed Development Summary	Alterations and extension to house to include demolition of garage and construction of new garage.
Development Address	Murrisknabol, Murrisk, 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 checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

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	Alterations and extension to house to include demolition of garage and construction of new garage.			
Brief description of development characteristics and potential impact mechanisms	Site area is 0.227ha within a rural area. Additional extended floor area proposed is 394sqm, 72.20 sqm area for demolition. Upgraded wastewater treatment system. Potential impact from wastewater treatment system to groundwater and onwards to Clew Bay Complex SAC adjacent to south.			
Screening report	Y – Appropriate Assessment of Protected Sites Screening Report prepared by Sitecheck, authored by Siobhán Sheil, Environmental Scientist.			
Natura Impact Statement	N			
Relevant submissions	None.			
Upgrade from septic tank to tertiary wastewater treatment system proposed which if not for separation distance within 50m of the SAC would be otherwise to EPA Code. This would represent an improvement on the current wastewater treatment system.				
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	Mudflats and sandflats not covered	Adjacent to south	Potential route via run-off from site and via	Y

<p>Conservation (SAC) (site code 001482)</p>	<p>by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365].</p> <p>Conservation Objectives, NPWS, 19th July 2011</p>		<p>groundwater from wastewater treatment system emissions and potential disturbance of QI, in particular otter from construction activity.</p>	

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

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 Complex Special Area of Conservation (SAC) (site code 001482)</p> <p><u>QI list</u></p> <p>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 (Glaucopuccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum</p>	<p>Direct: No surveys of species such as otter undertaken so cannot rule out.</p> <p>Indirect: Potential negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution and via emissions from wastewater treatment system. While this could be can be dealt with by standard best practice constructions measures, I note these would be required to ensure no significant impacts such that I consider them to be mitigation measures. I note no reference to standard construction measures in the AA Screening Report.</p> <p>AA Screening Report section 5 notes the following: <i>“Important populations of Otter and Common (Harbour) Seal are found in Clew Bay including a good diversity of wintering waterfowl. There are no seal populations associated with the part of the SAC closest to the proposed development site. Otters are widespread across the</i></p>	<p>I cannot rule out disturbance effects from construction (visual and noise) as it is not credible that otters would shy away from this area with housing and associated human activity.</p> <p>I consider the AA Screening Report to be deficient in relation to these issues, particularly in relation to the absence of dated survey data for otters, how construction noise and visual impact could be addressed and in relation to how water based impacts would be prevented by standard measures during construction.</p> <p>I consider that the submission of an NIS would be required to allow for a required stage 2 screening in this context.</p>

<p>in the British Isles [91A0] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365].</p>	<p><i>SAC and the mapping associated with the conservation objectives shows the otter marine corridor extend to the SAC property boundary. However, the proposed development site has an existing dwelling and is surrounded by a significant number of houses and farms. Otters are very shy creatures and would not use such a busy location for nesting, commuting, or fishing”.</i></p> <p>Section 6 notes the following, <i>“The proposed development site is located circa 20m from the HWM and does not display any of the protected habitats associated with this SAC. The only protected terrestrial element is the otter... Otters are shy and elusive animals, preferring quiet, undisturbed areas for foraging, breeding, and raising their young. Noise, pollution, and human activity associated with urbanisation can disrupt their natural behaviors, causing stress and potentially driving them away to less disturbed areas. It is likely therefore that the protected area adjacent to the proposed development site is no longer a priority habitat for otters”.</i></p> <p>I note a lack of dated survey data in the AA Screening Report in relation to the locations of otters relative to the existing site. Having reviewed the NPWS Conservation Objectives document and Map 9 thereof, I am satisfied that the harbour seal is not located adjacent to the subject site or close by.</p> <p>I do not find it credible that otters would stay away from this area because of the residences in the vicinity. I note the lack of evidence to rule out potential disturbance impact from the construction of the proposed development adjacent to the high water mark. In this regard, I consider that a stage 2 assessment is required, this would require the submission of</p>	
---	---	--

	<p>an NIS given that mitigation measures may be required in this regard or it may not be possible to mitigate noting that the areas mapped by the NPWS require a 10m terrestrial buffer along the shoreline. Mitigation measures such as hoarding to prevent visual and noise disturbance from construction have not been addressed and there is insufficient information in the AA Screening Report in this regard. I also note no barriers to movement along the shore or inlet in the vicinity of the site that would affect otters.</p>	
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>	
<p>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on Clew Bay Complex Special Area of Conservation (SAC) (site code 001482). An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		

Screening Determination

Significant effects cannot be excluded

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on

Clew Bay Complex Special Area of Conservation (SAC) (site code 001482) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The nature of the construction works and proximity of the site to the SAC and potential for disturbance or other impacts on the qualifying interests of the SAC or the potential for polluted run-off from the site adjacent to the SAC and the potential need for mitigation in this regard and the failure to address this in the submitted AA Screening Report.
- The absence of detailed dated surveys in relation to the qualifying interest species of the SAC and their location relative to the site to support the conclusions put forward in the AA Screening report in relation to the presence of otters within the SAC relative to the subject site.
- NPWS data.