



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322660-25

<b>Development</b>	Construction of a house, garage and wastewater treatment system.
<b>Location</b>	Tully, Lugaphuill, Castlebar, Co Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	2460715.
<b>Applicant(s)</b>	Brian Flannery.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Michelle O' Mahoney.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> August 2025.
<b>Inspector</b>	C. Daly.

## **1.0 Site Location and Description**

- 1.1. The subject site, of area 0.54ha, consists of part of grass field which slopes modestly uphill away from the public road towards the rear of the site. It includes a group of trees towards the middle and northern boundary, the stone ruins of a cottage towards its rear with a tree growing within and above it and towards its front the site is traversed by two sets of electricity lines and there is an associated pole inside the front site boundary. There is also an electricity pole south-west of the ruins towards the site southern boundary. Part of the front of the site bends with the adjacent road and there is an existing gate entrance at the bend in the road.
- 1.2. The front roadside boundary otherwise consists of hedgerow and some mature trees. Hedgerows and some mature trees border most of the side boundaries of the site and there is no rear site boundary where the site starts to slope downhill into the remainder of a grass field.
- 1.3. There is an adjacent bungalow dwelling to the north and there are a number of detached rural dwellings in the vicinity and some agricultural buildings. The site is located off a minor local road and is c.2.5km north-west of the village of Belcarra and is c.4.5km south-east of the urban edge of Castlebar town.

## **2.0 Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
  - New part two storey pitched roof and part single storey detached dwelling with perpendicular pitched roofs joined by flat roof element at the former ruins of a cottage.
  - Domestic pitched roof garage to rear.
  - Vehicular access from front boundary where the boundary bends inwards.
  - New wastewater treatment plant.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Mayo County Council initially decided to request further information in relation to the supporting documentation (land registry maps and folio of the family home etc.) to demonstrate a social or economic link to the area, to furnish finished floor level and ridge height of the adjacent dwelling to the north on a site layout plan, indication of existing northern boundary treatment, a water connection letter from the local group scheme and removal of all livestock from the field for trial hole inspection.

Following F.I., the P.A. decided to grant permission subject to 10 no. conditions.

Notable conditions include:

- Condition no. 2 requires the garage be use for domestic purposes only.
- Condition no. 3 requires the entrance to be located as shown on the site layout plan and recessed per requirements.
- Condition no. 4 requires the removal of the existing front boundary and a new boundary wall be set back a minimum 4.5m from the roadside.
- Condition no. 7 requires compliance with Mayo CC fuel oil regulations.
- Condition no. 8 requires nap plaster or dash with no colour components for the external finish, roof tiles in blue/black and simple hardwood front door; and additional screen planting of native trees and shrubs along all site boundaries save at the entrance to facilitate adequate visibility.
- Condition no. 9 requires that all existing trees / hedgerows be retained on site except at the house location of where adequate sight lines required.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The initial Planner's Report assessment noted a requirement for supporting documentation to demonstrate compliance with Objective RHO 1 of the Development Plan. In relation to the siting/design, it noted a requirement for information on the building level and height to the north. It noted a requirement for confirmation of connection to the Belcarra Group Water Scheme. In relation to

access, it noted sight visibility of 60m shown. It recommended that F.I. requested on this issues and for all livestock to be removed from the site for a trial hole inspection.

Following F.I., the subsequent report noted that following site inspection that the structure on site is considered substantial enough for RHO 8 to apply such that no housing need be required to be demonstrated. It noted the received submission also relates to access of farmland outside the site boundary and that the development is acceptable.

#### 3.2.2. Other Technical Reports

- Area Engineer Castlebar: No report received.
- Water Services: No report received.

#### 3.3. Prescribed Bodies

Uisce Éireann: No report received.

#### 3.4. Third Party Observations

One third party observation was received which can be summarised as follows:

- Concerns regarding the position of the proposed access adjacent to the rear garden boundary to the north and in relation to new access gate to land at the rear of the site. Access should be on the other side of the house.

### 4.0 Planning History

#### Subject site

None.

#### Sites in the vicinity

**002407:** Permission granted by the P.A. to construct a dwelling house and WWTS at site adjacent to the north.

## 5.0 Policy Context

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

#### Volume 1

#### Chapter 3 – Housing

Per Map 3.1, the site is located within a rural area under strong urban influence.

#### Section 3.4.8 Rural Single Housing

*RHP 5 To ensure that rural housing applications employ site specific design solutions to provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.*

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

#### **Section 3.4.12 Layout and Design**

*In considering proposals for development, the Council will have regard to the Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009); and 'Sustainable Rural Housing – Guidelines for Planning Authorities (2005), together with the Mayo Rural Housing Design Guidelines (2008). Furthermore, regard will also be had to any specific planning policy requirements (SPPRs) set out in the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018).*

*RHO 8 Applicants seeking to replace or reuse an existing house or other structure such as a church, schoolhouse or other substantial building in any rural area will not be required to demonstrate a housing need and will be assessed under normal planning considerations.*

*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 7.6 Access Visibility Requirements

Table 4 Access Visibility Requirements – on regional and local roads, this requires a visibility requirement of 70m in both directions where the speed limit is 50kph.

## 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. National 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.

## **5.3. 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. 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”.*

#### **5.5. EPA Code of Practice 2021: “Domestic Waste Water Treatment Systems (Population Equivalent $\leq 10$ )”**

This code of practice (the EPA Code) 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.2km west of River Moy Special Area of Conservation (SAC) (site code 002298).

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The grounds of the third party appeal by Michelle O’ Mahoney can be summarised as follows:

- The new farm access along the northern boundary will interfere with the residential amenity of the dwelling to the north.
- Condition no. 9 in relation to tree retention along the site boundaries does not alleviate the concerns in relation to the farm access.
- There is no reason why the new access gate could not be located elsewhere.
- The farmer’s right to livelihood should be balanced by the right to residential amenity.

#### **6.2. First Party Response**

The response by Brian Flannery, the applicant, can be summarised as follows:

- Outlines his connections to the area.
- The area for the new farm entrance is not part of the red line boundary and there is no intention to intensify or change the existing land use in any way.

- The proposed access allows entry to farmland used for grazing livestock and tractor access occurs when the land requires maintenance a few times a year.
- It is the intention to maintain the existing hedgerows and plant additional trees and shrubs to maintain a level of privacy and visual harmony.
- It is the intention to respect the Council's conditions of their grant of permission.

## 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
- Residential Amenity and Farm Access
- Design and Policy
- Access
- Wastewater Treatment
- Other Issues

### 7.2. **Principle of Development**

7.2.1. I note the P.A., while initially referencing Objective RHO 1 of the CDP, given the site location with a rural area under strong urban influence, ultimately assessed the principle of development relative to Objective RHO 8 instead as it considered the ruins of the dwelling on the site to meet the requirements of this objective for a replacement dwelling. From my site visit I note that this cottage structure is the ruins of an existing house and that there are no windows or roof. There is a tree growing in the ruins and it does not appear to have been habitable for quite some time. Accordingly, I consider that the applicant fails to meet the requirements of Objective RHO 8 in that he is not seeking to replace or reuse an existing house but rather the ruins of a former house. Therefore, there is a requirement to demonstrate a rural

housing need and comply with Objective RHO 1 as it does not constitute an “other substantial building”. Should permission be granted, I recommend the inclusion of a standard occupancy condition as required by the CDP.

- 7.2.2. I refer the Commission to the applicant’s supporting documentation. This includes a letter from the applicant stating he is the son of the landholders which has been in their family for over 30 years. No evidence has been supplied to support this although I note the applicant’s stated address is within the Lugaphuill townland. There is also a letter on the file from the applicant’s father stating that he is the legal owner of the subject site and that he gives consent to the applicant, his son, to make the application. I also note that the P.A. initially requested F.I. in relation to land folios but following F.I. decided that an assessment under Objective RHO 1 was not required as it considered this to meet the criteria for a replacement dwelling under Objective RHO 8 of the CDP.
- 7.2.3. It is the applicant’s stated intention to build on the family farm to assist his father in running the farm and to live in his home area. This will also enable him to take care of his parents. He also states that he holds a Level 5 Certificate in Agriculture from Teagasc. He is therefore applying under Category 1 – farmers, their sons and daughters, etc. taking over the running of a farm in the area in which they propose to live. He has also attached a letter from the local school, c.1.85km to the south-west at Errew, confirming his attendance there. Based on this, I am satisfied that the applicant complies with Objective RHO 1 having demonstrated a social and economic link to the area in which he wishes to build. I recommend that the principle of development of a rural house on the site for the applicant be accepted accordingly.

### **7.3. Residential Amenity and Farm Access**

- 7.3.1. I note the appellant’s concerns in relation to the proposed new farm access and route between the new dwelling site and their dwelling immediately to the north. The new site would leave a potential route of over 6m in width between the subject site and the dwelling site to the north. This area of land would lead down to the field behind the subject site to the east in the applicant’s ownership as shown by the blue line on the Site Layout submitted at F.I. stage. I note that the new farm access shown in this regard would be located adjacent to the north of the subject site and

would be outside the red line boundary such that I do not consider this to be within the scope of the application and no assessment is required.

- 7.3.2. In relation to the location of the proposed dwelling and impact on residential amenity in the vicinity, with a setback of 11.21m from its side boundary and further c.7m setback from the dwelling to the north, and noting the absence of overlooking potential from the north side of the northern wing of the dwelling, I am satisfied that there would be no undue negative impacts on residential amenities in the vicinity in terms of overlooking, overbearing or overshadowing impacts. I am therefore satisfied that the proposed development would not give rise to undue negative impacts on residential amenity in the vicinity of the development.

#### **7.4. Design and Policy**

- 7.4.1. I note the proposed dwelling design with two perpendicular pitched roof elements joined by a small central flat roof element. The larger pitched roof element would be two storeys and would face west towards the public road and the ground floor pitched roof element would be perpendicular to this. In this manner, I note the design would largely mirror traditional agricultural and rural type building forms. It would be appropriately broken up such that it would not appear excessively visually bulky or dominant on the site.
- 7.4.2. I note an unspecified number of trees would be removed in the vicinity of the dwelling. Part of the proposal also includes the removal of the front boundary hedgerow. While a low wall is proposed for the new front boundary position, I consider that a replacement hedgerow would be more in keeping with the landscape and would have biodiversity benefits when established. While the removal of some trees and hedgerow is not ideal, I note that there is a group of mature trees within the footprint of the development and around it, noting the landscaping scheme on the Site Layout plan submitted at F.I. stage, with trees proposed along the northern boundary and sufficient screening otherwise, should permission be granted I recommend this landscaping scheme be required by condition. Overall, I consider that sufficient account has been taken of the existing trees and hedgerows on the site consistent with Section 12.2 of the CDP.
- 7.4.3. The dwelling would also be well setback from the public road by c. 73m such that I am satisfied that it would sit well on the site and would not be visually obtrusive on

the site, the landscape or the wider area. I consider that this would accord with Section 3.4.12 (Layout and Design) of the CDP and Objective RHO 5 in relation to according with the core principles of the Mayo rural design guidelines. I consider it would also accord with Objective RHP 5 of the CDP as I consider that a site specific design that would integrate with the site and surrounds has been employed. Should permission be granted I recommend a standard condition in relation to external finishes for rural housing.

- 7.4.4. I note the proposed pitched roof garage to the rear north-east end of the site would be appropriately scaled for its position behind the house and I am satisfied that there would be no undue negative impacts on amenities in the vicinity from the garage. Should permission be granted, I recommend a condition requiring its use for domestic purposes only.

## **7.5. Access**

- 7.5.1. I note the proposed vehicular access for the dwelling on the corner of a single lane rural laneway. This is a relatively short laneway which serves also serves a small number of properties to the north-east of the site. Having visited the site I observed the laneway to be relatively narrow with just enough width for a tractor to pass and in the vicinity of the site, I observed that very low speeds were required to traverse it given its narrow width and the turns in the laneway in front of the site.
- 7.5.2. I note the P.A. report noted no response from the area engineer and found the new entrance acceptable subject to condition in relation to setting back the front boundary by 4.5m. I note that the Site Layout Plan shows a 60m sightline to the south-west, however this traverses third party lands and despite the submitted letter of consent I do not consider that reliance can be placed on this. Having regard to Section 7.6 of Appendix 2 of the CDP and noting the very slow vehicular speeds possible due to the narrowness of the laneway and the limited forward visibility in the vicinity, I consider that the 30m sightline available to the south-west would be sufficient for the proposed vehicular entrance.
- 7.5.3. I note that with the roadside setback there would be a 60m sightline available from the entrance to the north/north-east I consider acceptable. Accordingly, I consider that the proposed access would not endanger public safety by reason of a traffic hazard or obstruction of road users and that should permission be granted this

should be subject to a condition requiring the 4.5m roadside setback and that the front boundary hedgerow be set behind this boundary and behind the entrance such that there would be no requirement to limit the height of the hedgerow for sightline visibility.

- 7.5.4. I note the proposal includes provision for a c.4.5m setback for the full roadside boundary, a new boundary wall up to 0.9m high and the removal of the existing hedgerow and mature trees. I do not consider the use of a wall for the new front boundary to be appropriate in terms of visual impact and that a front boundary hedgerow should be required instead by condition should permission be granted. Based on this approach, I have no significant concerns in relation to impacts on local landscape features or wildlife. I consider that this would accord with policy NEO 4 of the CDP which seeks to protect and enhance biodiversity.

## **7.6. Wastewater Treatment**

- 7.6.1. In relation to the proposed wastewater treatment system, it would be located to the south-east rear side of the dwelling with percolation area adjacent to the rear. I note the submitted Site Assessment report prepared by Lally Consulting Engineers. The site is located in an area of a regionally important karstified aquifer and the groundwater vulnerability is noted to be high.
- 7.6.2. The Site Characterisation Form notes the soil type is till derived chiefly from limestone and that the subsoil is till derived from limestone. The bedrock type is noted to be Barney Limestone Formation. I note the stated depth of the trial hole was 1.4m at which depth bedrock was encountered. Based on this, the groundwater protection response is noted to be R2(1). This would be suitable for a soil polishing filter following a secondary treatment system and infiltration area. A minimum depth of 0.9m of unsaturated subsoil is recommended in the report and I note this is achievable.
- 7.6.3. Following the standard testing procedure a subsurface percolation value of 10 and a surface percolation value of 16 was noted. Based on this and the above, I note this would be consistent with Tables 6.3 and 6.4 of the EPA Code requirements. In relation to required separation distances per Table 6.2 of the EPA Code, I note minimum separation distances would be achieved. Noting this, that the P.A. raised no concerns in relation to wastewater disposal and that I observed no significant

issues on my site visit in relation to this, I am satisfied that the proposed wastewater treatment system would be adequate for the proposed development and would accord with the EPA Code such that I have no significant concerns in relation to public health or environmental impacts in the vicinity. This would also accord with Section 2.10 (Effluent Treatment Systems) and Section 8.4 (Effluent Treatment Systems) of Volume 2 of the CDP.

#### **7.6.4. Other Issues**

- 7.6.5. I note the letter from Belcarra Community Co-operative Society Limited confirming their preparedness to supply the proposed dwelling with a new water connection. Should permission be granted, I recommend a standard condition be applied in relation to water supply and this source of supply.
- 7.6.6. In relation to surface water drainage, I note the proposed soakaways to the front and rear of the dwelling and ample areas of grassland relative to the hard standing areas. Should permission be granted, I recommend a condition to ensure that surface water drainage is catered for on the site consistent with the Council's technical requirements.
- 7.6.7. In relation to the electricity lines which cross the front of the site, should permission be granted I recommend a standard condition be applied in case they need to be relocated to facilitate the development.
- 7.6.8. I note compliance with the Council fuel oil regulations is not a planning matter and should permission be granted I do not recommend a condition in relation to same.

## **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 Appropriate Assessment Screening**

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.2km west of River Moy Special Area of Conservation (SAC) (site code 002298), the closest European site. The proposed development comprises a dwelling, garage and on-site wastewater treatment system. No nature conservation concerns were raised in the planning appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.3. The reason for this conclusion is as follows:
- The relatively small-scale nature of the development and the wastewater treatment system in line with the EPA Code of Practice for Domestic Wastewater Treatment Systems.
  - The distance from the nearest European site and lack of ecological connections thereto.
  - Taking into account the screening determination by the P.A..
- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1. The subject site is located c.268m south-west of the Claureen (Mayo)\_010 river waterbody (status “poor”) and c.340m west of the Manulla\_030 river waterbody (status “moderate”) and is above the Ballyhean (IE\_WE\_G\_0022) waterbody (status “good”). The proposed development comprises a new dwelling, garage and on site wastewater treatment system. 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 small scale nature of the development and the wastewater treatment system designed to accord with the EPA Code of Practice for Domestic Waste Water Treatment Systems.
- The distance from the nearest surface water bodies.

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 jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **11.0 Recommendation**

I recommend that permission be granted.

## **12.0 Reasons and Considerations**

Having regard to the policies and provisions of the Mayo County Development Plan 2022 – 2028, the location within a rural area, to the nature and scale of the proposed development and its relationship with the surrounding area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, access and traffic safety, public health and environmental

impact. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The garage / shed shall be used only as a domestic garage /shed ancillary to the dwelling and shall not be used for agricultural, industrial or commercial purposes and shall not be converted or used for human habitation.

Reason: In the interests of residential amenity.

3. The vehicular entrance shall be located and recessed as shown on the Site Layout plan, drawing no. 24-035-DWG-P101, submitted to the Planning Authority on the 16<sup>th</sup> day of April 2025.

Reason: In the interest of traffic safety.

4. The existing front boundary shall be removed over the entire western site frontage. A new boundary shall be planted consisting of native hedgerow planting setback a minimum of 4.5 metres from the nearside edge of the existing carriageway. The area between the proposed front boundary and the existing carriageway shall be excavated out, filled, levelled and made suitable for the parking of motor vehicles. Roadside drainage shall be maintained at all times. The roadside drain shall be piped so as to maintain existing drainage.

Reason: In the interest of traffic safety, proper drainage and to accommodate future road improvement works.

5. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Belcarra Community Co-Operative Society Limited to provide for a service connection(s) to the group water supply.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground where required as part of the site development works.

Reason: In the interests of visual amenity.

9. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at

least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

10. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

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Ciarán Daly

Planning Inspector

5<sup>th</sup> September 2025

## Appendix 1

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	ABP-322660-25
<b>Proposed Development Summary</b>	Dwelling, garage and on site wastewater treatment system.
<b>Development Address</b>	Tully, Lugaphuill, Castlebar, Co Mayo.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2, Class 1(a) Threshold: length of field boundary to be removed above 4km as part the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity.</p> <p>Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.</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)?	
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

<b>Case Reference</b>	ABP-322660-25
<b>Proposed Development Summary</b>	Dwelling, garage and on-site wastewater treatment system.
<b>Development Address</b>	Tully, Lugaphuill, Castlebar, Co Mayo.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  New dwelling (285.42sqm.), connection to group water scheme and on site wastewater treatment system. Site area 0.54ha. Demolition of existing ruins of cottage of floor area 71.58sqm.
<b>Location of development</b>  (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).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is not located close to any environmentally sensitive sites or surface water bodies.  There are no sites of social or cultural interest in the vicinity.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b> Nature of the development with no significant pollution at construction or operational stages, 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)