



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323128-25

<b>Development</b>	Dwelling house and effluent treatment system.
<b>Location</b>	Knockfelim, Westport, Co Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	2560282.
<b>Applicant(s)</b>	John Muldoon.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	John Muldoon.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17 <sup>th</sup> October 2025.
<b>Inspector</b>	C. Daly.



## **1.0 Site Location and Description**

- 1.1. The undulating and elevated site generally slopes uphill away from the adjacent local road to the west and towards the south, and downhill outside of and away from the site towards the east. The site flattens out somewhat where the dwelling is proposed with the land rising immediately to the east of its proposed position and to its south.
- 1.2. The site area is 0.42ha and consists of a grass field with frontage along a single lane local road/laneway, the L-5864, which runs up the hillside. The western road frontage consists of a line of hedgerow with a ditch between it and the public road. There is a ditch running through part of the site in the vicinity of the south-west corner in an approximate south-east to north-west direction where there is also an area of rushes in what is generally otherwise grassland. The site is c.110m south and significantly uphill of the junction with the R330 regional road.
- 1.3. There is a small estate of dwellings c.60m to the north-west somewhat setback from the R330. The site is otherwise surrounded by grass fields on the hillside to the north, east and south and there is a woodland on the opposite side of the road to the west. There is a bungalow dwelling c.60m to the north at the junction of the laneway and the R330 regional road. The rural site is located c.2.2km from the centre of Westport town.

## **2.0 Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
  - Construction of a three bedroom bungalow with a pitched roof element and a central flat roof element joining with a parallel part pitched roof and flat roof element.
  - Effluent treatment unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Mayo County Council decided to refuse permission for one stated reason which related to contravention of Policy RHP 5 of the Development Plan in relation to



avoiding an adverse impact on the landscape in terms of siting and design and that it would result in an obtrusive feature in the landscape and interfere with the character of the landscape which it is necessary to preserve.

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

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

The Planner's Report considered that the applicant complies with housing need objective RHO 1. It noted the position of the dwelling 23m above the level of the R330 and noted no issue with the proposed design. It noted a previous refusal on the site related to visual reasons and it considered the design change relative to the previous to be minor. It considered the dwelling at this location to be an obtrusive feature on the landscape and contrary to Policy RHP 5 of the Development Plan. Refusal of permission was recommended accordingly.

#### **3.2.2. Other Technical Reports**

- Area Engineer Westport: Recommended a grant of permission subject to condition.
- Road Design: No report received.
- Regional Design Office: No issues noted.
- Water Services: No report received.

### **3.3. Prescribed Bodies**

- An Taisce: No report received.
- Development Applications Unit: No report received.
- Uisce Eireann: No report received.

### **3.4. Third Party Observations**

None.



## 4.0 Planning History

### Subject Site

**24/60212:** Permission refused by the P.A. for a dwelling house, garage and effluent treatment unit.

Reason for refusal: Contravention of Policy RHP 5 of the Development Plan in relation to avoiding an adverse impact on the landscape in terms of siting and design. It would result in an obtrusive feature in the landscape and interfere with its character which it is necessary to preserve.

### Sites in the vicinity

**21/1251:** Permission granted by the P.A. at site c.70m to the north-west on opposite side of the road by the P.A. for a single storey dwelling house, garage and connection to public services.

**19/653:** Permission granted by the P.A. at site c.250m to south for the construction of a bungalow dwelling, garage and wastewater treatment system.

**22/686:** Permission granted by the P.A. at site c.315m south (on other side of the hill) for the construction of a bungalow dwelling, garage and wastewater treatment system.

## 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

Policy RHP 1 *To support and promote strong vibrant sustainable rural communities in County Mayo.*

Policy RHP 2 *To support the development of all rural areas to regain sustainability and vibrancy and to reverse the significant rural population decline since 1951.*



*Policy 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.*

*Policy 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.*

#### Chapter 10 – Natural Environment

*Per Map 10.1 (Landscape Policy Areas) the site is located within Policy Area 4 where rural dwellings per Figure 10.1 are considered to have a “low potential to create adverse impact on the existing landscape character. Such development is likely to be widely conceived as normal and appropriate unless siting and design are poor”.*

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



NEO 27 *“To ensure all development proposals are consistent with the Landscape Appraisal of County Mayo and the associated Landscape Sensitivity Matrix and future editions thereof”.*

## Volume 2

Section 2.10 Effluent Treatment Systems – This requires, inter alia, a site suitability assessment for rural dwellings in accordance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses.

### 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 7.6 Access Visibility Requirements

Vehicular entrances and exit points must be designed by the developer as part of a planning application with adequate provision for visibility so that drivers entering and emerging from the access can enjoy good visibility of oncoming vehicles, cyclists and pedestrians. Where a new entrance onto a public road is proposed, the Planning Authority must consider traffic conditions and available sight lines.

Table 4 (Access Visibility Requirements) requires provision for 70m sightlines from 3m back on local roads where the speed limit is 50kph.

Section 8.4 Effluent Treatment Systems provides that the suitability of a site shall be determined in accordance with the EPA Code of Practice for single houses.

Section 12.2 Stone Walls, Trees and Hedgerows – for new developments this seeks, inter alia, the incorporation as far as possible of existing site boundaries and new planting schemes shall be of indigenous species.

## **5.2. National Sustainable Rural Housing Guidelines for Planning Authorities, 2005.**

The Guidelines differentiate between urban generated rural housing and rural generated housing. The Guidelines state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban



areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

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. Natural Heritage Designations**

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

- c.1.1km west of Ardogommon Wood Proposed Natural Heritage Area (PNHA) (site code 001470).
- c.2.1km north-west of Kinlooey Lough PNHA (site code 001518).
- c.3.4km south-east of Clew Bay Complex Special Area of Conservation (SAC) and PNHA (site code 001482).
- c.4.6km north-east of Brackloon Woods SAC and PNHA (site code 000471).
- c.4.7km south-east of Coolbarreen Lough PNHA (site code 000481).
- c.4.7km north-east of Knappagh Woods PNHA (site code 001520).
- c.5.9km north-east of Lough Greney Bog NHA (site code 002455).
- c.6.9km north-east of Croagh Patrick PNHA (site code 000483).
- c.7.8km north of Mweelrea/Sheeffry/Erriff Complex SAC and PNHA (site code 001932).
- c.8.8km south-west of Dambaduff Lough PNHA (site code 001491).

## **6.0 The Appeal**

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

The grounds of the first party appeal on behalf of the applicant, John Muldoon, can be summarised as follows:

#### Policy RHO 1

- The proposal is fully in accordance with policies RHP 1 and RHP 2 of the Development Plan and the applicant wishes to build adjacent to the family home of the applicant's widowed mother, he is the son of a local farmer and the site is within the family farm land holding.



### Policy RHP 5

- The location within a hollow and 12m south of the location previously proposed preserves the natural topography and minimises visual impact through a considered layout and optional native planting.
- The proposed development is not visible from the R330 road as pole frames were erected and cannot be seen from the road.
- The design adopts a vernacular form split into a number of smaller blocks to minimise height and bulk.
- The arrangement reflects traditional rural building patterns and would ensure the development does not result in an obtrusive feature in the landscape.
- The external finishes reflect the natural palette of rural buildings in the area.
- The segmented design will allow the building to recede into the landscape rather than appearing as a single monolithic structure.
- A site section is submitted which states that it indicates the design will have no impact on the landscape in terms of siting and design.
- The building will integrate into the landscape, avoids skyline intrusion and respects the rural character of the area.
- The recent comparable permissions in the area demonstrate that modest visibility does not give rise to visual intrusion or environmental impact.
- The permission granted under reg. ref. 21/1251 was for a rural dwelling in a more prominent and elevation position.
- The design maintains separation from other dwellings and will be discretely positioned in the landscape.
- No objections were received from third parties or prescribed bodies.

### Other

- There are no technical objections to the development.

## **6.2. Planning Authority Response**

None received.



## **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:

- Rural Housing Policy.
- Visual and Landscape Impact.
- Access.
- Wastewater Treatment
- Other Issues

### **7.2. Rural Housing Policy**

7.2.1. The appeal asserts that the applicant complies with Policy RHO 1 for a rural dwelling at this location. I note the site location in a rural area under strong urban influence such that Policy RHO 1 applies where the applicant is required to demonstrate a social or economic link to the area or a genuine housing need. I note the P.A. accepted that the applicant complies with Policy RHO 1 of the CDP.

7.2.2. The application documentation includes a Land Registry folio showing family ownership of the subject site and a letter of consent from the owner. A school letter of attendance for a secondary school in Westport is included. The applicant's cover letter outlines, inter alia, that the applicant is a local to Knockfelim with the family home situated 120m to the north of the site, that he attended national and secondary schools in the area and that the applicant's mother is a widow who he supports. Noting this, and the assessment completed by the planning authority, I am satisfied that the applicant satisfies the criteria as a son of a farmer or otherwise who has spent a period of their lives living in the general rural area in which they propose to build a home (RHO 1 criteria no. 2). I consider that the applicant therefore complies with Policy RHO 1 and the principle of a rural dwelling for the applicant on the site is therefore acceptable. Should permission be granted I recommend a standard occupancy condition.



- 7.2.3. In my opinion the acceptance of the principle of such a dwelling at this location would be consistent with rural housing policies RHP 1 and RHP 2.

### 7.3. Visual and Landscape Impact

- 7.3.1. The appeal contends that the refusal reason is unfounded and should be over-turned in relation to adverse impact on the landscape in terms of siting and design, being an obtrusive feature and the interference with the character of the landscape. I agree with the P.A. that the design of the dwelling would be suitable in principle for a rural location. This is due to design forms consistent with rural type housing such as the long pitched roof elements with gable ends, and that it would be visually broken down into a number of differing elements to reduce the appearance of volume and that it includes some modern type design elements such as the flat roof element and mainly windows with sufficient vertical emphasis.
- 7.3.2. I note that per the CDP landscape policy area classifications, the landscape in this area is not considered particularly sensitive to rural dwellings and the CDP notes in relation to rural dwellings that there is a *“low potential to create adverse impact on the existing landscape character. Such development is likely to be widely conceived as normal and appropriate unless siting and design are poor”*. I also agree with the appellant that the permission for a dwelling house under reg. ref. 21/1251 c.70m to the north-west on the opposite side of the laneway is in a visually more prominent position by reference to the public road to the south.
- 7.3.3. In relation to Policy RHP 5, I note the location of the dwelling on the site would be somewhat further south-east of the position of the proposed dwelling under the previous application under reg. ref. 24/60212. The dwelling would be located in a somewhat flatter part of the site and that levels would be somewhat reduced further to facilitate the development. The finished floor level would be 33.9m.
- 7.3.4. The setback of this position from where the land slopes sharply downhill combined with the rising land to the south and east in my opinion serve to make this part of the site the most ideal location for a dwelling to avoid excessive visual impact on the landscape. I draw the attention of the Commission to the Site Section drawing, including Site Sections X-X, Y-Y and Z-Z which in my opinion shows how the levelling of the site at this position in the hillside would obscure views of the dwelling from the north and from the R330 road. The levelling would require a modest level



of excavation such that I am not concerned that it would significantly alter the local landscape. I note per the Site Location drawing that within the identified family land holding there are no obviously more appropriate sites for a dwelling.

- 7.3.5. Noting the siting of the dwelling and the wider landscape, I consider that views of the dwelling would generally be limited from outside the site including from the north and from the regional road. In my opinion the most significant views of the dwelling would be from the adjacent local laneway from the west and somewhat from the north-west. I consider that the proposed siting and design would broadly accord with Policy RHP 5 of the CDP in that the dwelling would integrate into and reflect and enhance the local landscape character including in terms of external materials and landscaping.
- 7.3.6. The external materials including natural slate finishes are not sufficiently specified on the drawings such that should permission be granted I recommend a condition whereby these details be agreed with the P.A. prior to commencement standard to ensure finishes be consistent with the vernacular finishes of rural dwellings in the area. I consider that the proposed boundary planting including trees along the northern boundary and other planting along the eastern and southern boundaries would aid in integrating the dwelling into the site and wider area. Should permission be granted I recommend a condition requiring these boundaries to be planted with native species trees and plants to enhance the site and further integrate it with the local landscape setting. I also recommend a condition for such planting to be provided inside the proposed front boundary to replace the existing front boundary hedgerow that would be removed to cater for the new entrance and sightlines.
- 7.3.7. I therefore consider the proposed dwelling would be consistent with the local landscape character as defined in the CDP, would not be unduly visually obtrusive and would not interfere with the character of the landscape such that I do not consider the P.A. refusal of permission is merited in this case. I have no significant concerns in relation to undue negative visual impacts on the site or surroundings or in relation to hedgerow removal balancing Policy NEO 4 with Policy RHP 5. I note that the separation distances from dwellings in the vicinity would be substantial and I have no concerns in relation to significant overlooking or overshadowing impacts.



#### 7.4. Access

- 7.4.1. Table 4 (Access Visibility Requirements) of section 7.6 of Volume 2 of the CDP requires provision for 70m sightlines from 3m back on local roads where the speed limit is 50kph. I note the road in front of the site is a single lane laneway where speeds are limited by the condition of the roadway and its relatively narrow width. I am satisfied that the submitted Site Location map demonstrates 70m sightlines from a 3m setback from the proposed vehicular entrance. I do not consider that this would require an excessive removal of hedgerow of length c. 72m noting that it can be effectively replaced in time inside the proposed new site boundary. Noting this and the P.A. acceptance in relation to same, I am satisfied that the proposed vehicular entrance accords with Section 7.6 (Volume 2) of the CDP and that it would not give rise to a significant traffic hazard or significant issues in relation to road safety. Should permission be granted I recommend a standard condition in relation to the vehicular entrance to ensure no road safety issues arise.

#### 7.5. Wastewater Treatment

- 7.5.1. I note the submitted EPA Site Suitability Assessment report prepared by Sitecheck. depth of the trial hole is noted to be 2m with no bedrock encountered. Based on this mineral topsoil was noted above alluvial sandy silt with some gravel. The aquifer vulnerability rating is noted to be high. . Following standard procedure the subsurface percolation value is noted to be 19.69 and the surface percolation value is noted to be 19.81. The ground water protection response is noted to be R1.
- 7.5.2. The report notes that *“the loamy topsoil underlain with metamorphic till indicates good attenuation”*. The report concludes that the site is suitable for a septic tank system, a secondary treatment system and a tertiary treatment system and it is proposed to install a secondary treatment system and soil polishing filter with discharge to groundwater. Having inspected the site and the trial hole and noted no issues noting its location away from, downhill and to the north- east of the modest area of rushes towards the south-west of the site, per Table 6.4 of the EPA Code, I am satisfied that this accords with the trial hole percolation value results.
- 7.5.3. Per Table 6.2 of the EPA Code in relation to minimum separation distances, I note no concerns. I note that per Table 6.3 of the EPA Code the minimum depth of 0.9m would be met for the system with a depth of 1.2m of unsaturated soil and/or subsoil



stated. Therefore, I am satisfied that the proposed wastewater treatment system would accord with the EPA Code and with Sections 2.10 and 8.4 of Volume 2 of the CDP such that I have no concerns in relation to impacts on public health or the environment in this regard. Should permission be granted I recommend a condition to ensure operational adherence to the EPA Code.

## **7.6. Other Issues**

- 7.6.1. I note the submitted letter from Uisce Eireann confirming that a water connection is feasible without infrastructure upgrade. In relation to drainage matters, I note that standard SUDS drainage measures can be conditioned, given the size of the site and the layout plan, to ensure surface water drainage is catered for exclusively on the site.

## **8.0 EIA Screening**

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

## **9.0 AA Screening**

- 9.1. 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.3.4km south-east of Clew Bay Complex SAC (site code 001482), the closest European site. The proposed development comprises a dwelling 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. 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..

9.3. 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.

9.4. 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.280m south of the Carrowbeg (Westport\_030) river waterbody (status “poor”) and is above the Clifden Castlebar (IE\_WE\_G\_0017) ground waterbody (status “good”). The proposed development comprises a new dwelling 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- The small scale and domestic 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 and the absence of direct surface water hydrological pathways to the surface waterbodies.

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 subject to conditions.

## 12.0 Reasons and Considerations

Having regard to the Mayo County Development Plan 2022-2028, in particular rural housing policies RHO1 and RHP 5, to the nature and scale of the development, its position on the site and its relationship with the surrounding area, it is considered that subject to compliance with the conditions set out below, the development would be acceptable and would not seriously injure the visual or rural amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, access impacts and public health. The 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 An Coimisiún Pleanála on the 24th day of July 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. (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.

Details in relation to the above shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) The landscaping scheme shown on drawing number S-01 (Site Layout), as submitted to the planning authority on the 8th day of May, 2025 shall be carried out within the first planting season following substantial completion of external construction works and shall consist of native plant species only, including trees for the northern boundary, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

(b) In addition, the front boundary shall include native species hedgerow planted behind it, the exact native species and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the position of which shall not interfere with the required sightlines as shown on drawing no. MS-\_\_-P\_-H01 submitted to An Coimisiún Pleanála on the 24<sup>th</sup> day of July 2025.

Reason: in the interest of visual amenity.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.



4. (a) The entrance gates to the proposed house shall be set back not less than three metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

5. (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.

6. (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 the 8<sup>th</sup> day of May 2025 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.

7. (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.

8. 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

30<sup>th</sup> October 2025.



## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323128-25
<b>Proposed Development Summary</b>	Dwelling house and effluent treatment system.
<b>Development Address</b>	Knockfelim, Westport, 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, Schedule 5 or a prescribed type of proposed road	



<p>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 10(b)(i). Threshold: Construction of more than 500 dwelling units.</p>

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

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323128-25
<b>Proposed Development Summary</b>	Dwelling house and effluent treatment system.
<b>Development Address</b>	Knockfelim, Westport, 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 (142sqm.), connection to public water supply and on-site wastewater treatment system to EPA Code. Site area 0.42ha.
<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>  Modest scale and domestic 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)