



An
Coimisiún
Pleanála

Inspector's Report PL-500164-GY

Development	Construction of dwelling and wastewater treatment system
Location	An Chloch Bhreac Láir, Clonbur, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2561119
Applicant(s)	Tom Halloran
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Tom Halloran
Observer(s)	Joseph Gallagher
Date of Site Inspection	21 st January 2026
Inspector	Sarah O'Mahony

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	7
3.4. Prescribed Bodies	7
3.5. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations	12
5.3. EIA Screening	12
6.0 The Appeal	12
6.1. Grounds of Appeal	12
6.2. Planning Authority Response.....	14
6.3. Observations.....	14
7.0 Assessment.....	15
7.1. Introduction	15
7.2. Local Need.....	15
7.3. Siting and Design.....	18
7.4. Right of Way	20
8.0 Appropriate Assessment.....	21

9.0 Water Framework Directive 22

10.0 Recommendation 23

Appendix 1 – Environmental Impact Assessment Screening

Appendix 2 – Appropriate Assessment Screening

1.0 Site Location and Description

- 1.1. The 0.7ha site is situated in a rural area 6km west of Clonbur village and 5km north of Corr na Móna village. It is 170m south from the southern shore of a narrow inlet/spur of Lough Mask, southwest of the main waterbody. This inlet forms the Galway/Mayo county border.
- 1.2. The site comprises agricultural land in use for grazing sheep. Access is provided from the L1302 local road at the south. Boundaries primarily comprise post and wire fencing although some stone walls and limited hedgerow was also present.
- 1.3. The site is a T-shape with a long narrow field at the south situated between two existing dwellings. Further north, the site widens to include land at the rear of both dwellings which provides one large grazing area together with additional lands further north which are not physically separated from the site. For reference, these two areas of the site are referred to as the north and south paddocks.
- 1.4. The overall landform slopes from south down to the north towards the lake. The southern part of the site between the two dwellings has a gentle slope however the area to the north is much steeper and undulating with local variations in ground levels. The terrain is mainly finished with grass and sheep were noted to be grazing the land, however extensive clumps of rushes were also noted particularly in the northeast.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Detached single storey 198.9m² dwelling,
 - On-site wastewater treatment
 - Connection to public water supply
 - Revised vehicular entrance including 130m distance driveway
- 2.2. The following documentation was submitted with the application together with all standard and statutory drawings and public notices etc:
 - Rural housing documentation

- Uisce Éireann Confirmation of Feasibility for water connection.
- Appropriate Assessment Screening Report
- Land ownership folios
- Site Characterisation Form and Site Suitability Assessment
- Visual Impact Assessment
- Photomontage

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Galway County Council issued a notification to refuse permission on 01st October 2025 for 2no. reasons as follows:

1. The Planning Authority is not satisfied that the applicant has fully demonstrated rural housing need compliance with Policy Objective RH4 of the County Development Plan 2022-2028. Based on the information submitted with the planning application, it is considered that the applicant has not satisfactorily demonstrated that they comply with the requirements of Rural Housing Policy Objective RH4.

Therefore, the proposed development is considered contrary to the rural housing provisions of the County Development Plan 2022-2028. Accordingly, to grant the proposed development would materially contravene Policy Objective RH4 and DM Standard 7 as contained in the Galway County Development Plan 2022-2028, would be contrary to ministerial guidelines issued to the planning authorities under Section 28 of the Planning and Development Act 2000 (as amended), would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the setback of the proposed development, approximately 141m back from the serving public road, it is considered that the proposed dwelling house would constitute a piecemeal, disorderly, haphazard form of residential development that would be out of character with the pattern of development in the area and would create an undesirable precedent for development of a similar nature in the vicinity. It is considered the proposed development, by reason of its design and siting would be

incapable of assimilating into this rural area and is unreflective of the Design Guidelines for the Single Rural House. Accordingly, to grant permission for the development here proposed would contravene materially Policy Objectives RH 9 and LCM 1 and DM Standards 6 and 8 of the County Development Plan 2022-2028, would interfere with the character of the landscape, would detract from the visual amenity of the area as it would form a visually obtrusive feature thereon, would establish an undesirable precedent for similar future developments in the area and thus would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to refuse permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- It notes the location of the site in a Gaeltacht area and Class 4 Iconic landscape and stated therefore that an assessment under Policy Objective RH 5 and Policy Objective RH4 Rural Housing Zone 4 (Landscape Classification 2, 3 & 4) was required. It noted the rural need documentation submitted but considered the applicant's rural links criteria were met under Policy Objective RH4 1(e).
- It considered the proposed wastewater treatment system to be acceptable.
- With regard to design and landscape impacts it states:

“The proposed dwelling is a single-storey 4 no. bedroom 3 no. bathroom dwelling (198.9sqm) with a maximum ridge height of 6.3metres in height. A landscaping plan was also submitted. The planning authority note that the proposed development is proposed to be situated c.141m from the local road. Therefore, the proposed new development would be contrary to policy objective LCM 1 of the County Development Plan 2022-2028 and would interfere with the character of the landscape.”

In addition, the new dwelling design as proposed is not in accordance with Policy Objectives RH 9 and LCM 1 and DM Standards 6 and 8 of the County Development Plan 2022-2028, would interfere with the character of the landscape, would detract from the visual amenity of the area as it would form a visually obtrusive feature thereon, would establish an undesirable precedent for similar future developments in the area.”

- It did not engage with the third party submission regarding the wayleave.

3.3. Other Technical Reports

- Clifden Area Officer: No response.
- Heritage Officer: No response.

3.4. Prescribed Bodies

- An Taisce: No response.
- The Heritage Council: No response.
- Fáilte Ireland: No response.
- Údarás na Gaeltachta: No response.

3.5. Third Party Observations

3.5.1. One third party observation was received from Joseph Gallagher raising the following matters:

- Right of way present on the site providing access for the observer to the lake from their dwelling west of the site. The proposed dwelling will impact or infringe on this right of way.
- This application is virtually the same as ref. 24/61410 which was previously refused permission.

4.0 Planning History

4.1. 24/61410: Planning permission refused to Tomas Halloran to construct a new dwelling house with a wastewater treatment system. Gross floor space of proposed works: 198.90 sqm. Permission was refused for the following reasons:

1. The proposed development is sited within a designated Class 4 Iconic landscape defined as 'High Sensitivity to Change'. A landscape's capacity to absorb new development, without exhibiting a significant alteration of character or change of appearance is referred to as its 'sensitivity'. The proposed development owing to site configuration and by reason of its elongated access provision would constitute any unnecessary scar on this sensitive landscape and if permitted would adversely impact on the residential amenity of adjoining properties, would seriously injure the amenities, or depreciate the value, of property in the vicinity and thus in light of the aforementioned would be contrary to Policy Objective RH9 pertaining to the Galway County Rural Design Guidelines for the Single Rural House given the sensitive site context in an Iconic Landscape Designation, be at variance with DM Standard 8 & 46 of the Galway County Development Plan 2022 – 2028 with respect to Site Selection and Design and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is sited within close proximity to the Lough Carra/Mask Complex Special Area of Conservation & Lough Mask Special Protection Area which are both designated European Sites of ecological importance forming part of the Natura 2000 network of sites of highest biodiversity importance for rare and threatened natural habitats and flora and fauna species across the European Union. The Planning Authority, by virtue of the gravity/directional flow conduit from the subject site to the said designations and owing to the lacunae associated with the proposal from an effluent disposal perspective, is not satisfied that significant negative effect on the integrity and conservation objectives of Lough Carra/Mask Complex Special Area of Conservation & Lough Mask Special Protection Area can be ruled out. Therefore the development if permitted has potential to have significant negative adverse impact on the integrity and qualifying interests/conservation objectives of the said SAC and SPA sites, would contravene materially objectives NHB 1, 2 & 3 and

development management standard 50 contained in the current Galway County Development Plan, and therefore would be contrary to the proper planning and sustainable development of the area.

3. The subject site is located in within Class 4 Landscape where Policy Objective RH4 of the 2022- 2028 Galway County Development Plan sets out qualifying criteria for those with a genuine rural generated housing need seeking to construct a dwelling house within the Rural Housing Zone 4. Based on the absence of sufficient details to substantiate the applicant's rural linkage to this area in accordance with the requirements of Policy Objective RH4, it is considered that the applicant has not satisfactorily demonstrated that they meet the housing need criteria set out in the Galway County Development Plan. Therefore, the proposed development is considered contrary to the rural housing provisions of the said county development plan. Accordingly, to grant the proposed development would contravene materially Policy Objective RH 4 and DM Standard 7 and 46 contained in the Galway County Development Plan 2022-2028, would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.
4. In the absence of satisfactory details submitted on file relating to the consent from Irish Water to connect to the public water mains to serve the proposed development, it is considered that the development if permitted as proposed would pose a serious risk to the public health of persons occupying this dwelling house, would be contrary to Development Management Standard 36 of the Galway County Development Plan, 2022-2028 and therefore, would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Galway County Development Plan 2022-2028 (referred to hereafter as the CDP). Chapter 4 sets out

the policy guidance for developing housing in the rural area and it identifies the site as being situated within the following rural housing policy zones:

- 3: Structurally weak areas,
- 4: Landscape sensitivity category 2-4. The site is situated in a Class 4 sensitivity category, and
- Zone 5: An Gaeltacht

5.1.2. Policy objective RH4 therefore applies and requires applicants to set out their demonstratable economic or social rural links or need as set out in Policy RH2. It also requires the following:

“In addition, an Applicant may be required to submit a visual impact assessment of their development, where the proposal is in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 3 and Class 4 designated landscape areas. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.”

5.1.3. Policy objective RH5 refers to housing in Gaeltacht areas and sets out different requirements depending on the rural housing zone or landscape sensitivity the site is situated in. As the site is situated in a structurally weak rural area in a landscape with class 4 sensitivity, RH5 requires applicants for rural dwellings to comply with policy objective RH4. It also states *A Language Enurement of 15 years duration will apply to approved developments in this category*

5.1.4. Policy Objective RH9 is noted regarding design guidelines for rural dwellings as well as the Design Guidelines for the Single Rural House which is set out in Appendix 5 of the CDP.

5.1.5. Chapter 15 sets out development management standards which includes DM standard 6 regarding domestic garages, 7 regarding local need and 8 regarding site selection and design for rural dwellings.

5.1.6. The site is situated in a coastal landscape unit with a Class 4 'iconic sensitivity to change. Policy Objective LCM 1 is relevant in this regard and is set out as follows:

“LCM 1: Preservation of Landscape Character:

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement, where possible of views and prospects and the amenities of places and features of natural beauty or interest.”

5.1.7. The R300 regional road is situated 1.1km north of the site and lake is situated within County Mayo. The Galway CDP refers to it as the Lough Corrib Scenic Route – County Mayo on Map 8.3. Policy objective PVSR 1 applies as it seeks to protect scenic routes identified on map 8.3 from development that would negatively impact them.

5.1.8. The Mayo County Development Plan 2022-2028 identifies the road as a scenic route and policy objective NEO 26 is therefore relevant and set out as follows:

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.*

Rural housing applications along Coastal Areas and Lakeshores must comply with the requirements set out in Objective RHO 4 (Chapter 3)

5.2. Natural Heritage Designations

- 5.2.1. Lough Mask Special Protection Area (SPA), Lough Carra/Mask Special Area of Conservation (SAC) and Lough Carra/Mask proposed Natural Heritage Area (pNHA) are all situated 143-172m north of the site. The boundary of the SAC is closest and the SPA furthest from the site.

5.3. EIA Screening

- 5.3.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The Planning Authority made two fundamental mistakes when assessing the application which was compounded by the Planning Authority refusing to hold pre-planning meetings.
- The applicant has met every requirement of Policy RH4 as demonstrated by the documentation submitted with the planning application. Additional documentation and a narrative were submitted with the appeal to further substantiate the applicant's rural housing need. He has lived in the community his entire life, attended local schools, is actively engaged locally in farming and also as a tradesperson.
- A letter of support is provided from Connemara Hill Lamb which outlines the applicant's involvement in agriculture, his ties to the community and his fluency in Irish. It also outlines some information regarding the applicant's spouse, her employment and involvement in the local community.

- The applicant also submitted a letter outlining his housing need for the rural area as well as his spouse's involvement in the local rural area.
- References are made to the applicant being the only surviving male grandson and the need to carry on the family name in the area.
- The proposed development would help to counteract rural depopulation, promote sustainable settlement patterns and ensure essential skills and services remain in the area. *'Approving this application would be consistent with local and national policy objectives, promote the sustainability of North Connemara, and support the continuation of rural life and traditions.'*
- Building on family land *'minimises the need for greenfield development'*. The site benefits from mains water, electricity and good drainage and is situated close to the primary school. The site is a preferred site rather than siting a new dwelling in a *'pristine valley on mountainous farm lands nearer the family dwelling where it would take extreme works to supply services to a dwelling in such a remote location'*.
- The decision ignores policy objective RH14 regarding backland development in the open countryside.
- The appeal sets out a design approach and methodology to selecting the subject site including avoiding prominent and exposed locations which do not break the skyline, working with topography, respecting existing features and using established boundaries. It states that the dwelling is positioned to work with, not against the natural contours and slope of the land. All existing natural and built features such as mature trees, hedgerows, rock outcrops and stone walls will be retained allowing the dwelling to be seamlessly tucked into the landscape rather than carved out of an open field.
- Positioning the dwelling further back in the site away from the public road is often a requirement by Planning Authorities for road safety as well as being beneficial in terms of privacy, security, noise and integration into the landscape. It avoids ribbon development and also allows a margin of space adjacent to the road for future road improvements, utility maintenance or the creation of verges and footpaths etc as often required by Local Authorities. It provides space for new landscaping to mature and blend with the surroundings as well as enabling natural screening from existing

features. It offers greater flexibility to orient the design to maximise solar gain, provides more usable outdoor space and provides a buffer during the construction phase *'making it easier for machinery and delivery vehicles to access the site safely and efficiently without obstructing the public road'*. In this case the building line aligns with neighbouring dwellings and there is a precedent already set in the area for siting dwellings deep within the site.

- The dwelling design is a modest single storey, narrow plan structure with vertical fenestration and simple massing. It is in proportion to the site it occupies and the contemporary design reflects vernacular architecture and uses local and natural materials minimising visual impact.
- A landscaping scheme of native species will avoid suburban manicured lawns, ornate lighting or over-scaled elaborate entrances. The driveway and entrance will follow the most natural route, avoiding unnecessary visually dominant S-bends or large turning circles. Parking will be provided in a natural hollow on the site.
- The design is passive, energy efficient and careful siting of services will minimise interference with natural features on the landscape. The photomontage demonstrates a minimal impact on views from the regional road to the north. The design aligns with the requirements of the Design Guidelines for the Single Rural House and the high quality architecture will not have any negative impact on the immediate surrounding landscape.

6.2. Planning Authority Response

None

6.3. Observations

- 6.3.1. One observation was received from Joseph Gallagher highlighting the presence of a right of way across the site. The observation states this was set out in an earlier submission to the application and was not directly referred to in the reasons for refusal but requires consideration nonetheless.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s 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:

- Local Need
- Siting and Design
- Right of Way

7.2. Local Need

7.2.1. The applicant suggests that he meets the requirements of Policy Objective RH4 and part 1(e) in particular which is set out as follows:

1(e) Where applicants can supply land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links/need will not have to be demonstrated.

7.2.2. The applicant states in the appeal that land registry maps relating to folio 38875F refer to the subject site which has allegedly been in family ownership since 1991. The appeal states that a copy of that folio is attached however no such folio was attached to the appeal. A copy of folio 104308F was submitted with the original application which relates to the family home. No evidence is submitted to demonstrate that the site has been in the family ownership for a minimum of 20 years and the applicant therefore does not comply with this aspect of Policy Objective RH4.

7.2.3. I note a number of inaccuracies in the Rural Housing Need Application Form such as suggesting the applicant owns his current residence but later this it is clarified that

his parents own it and reside there together with the applicant, his sisters and fiancée. In section 3 under the question of '*Is the proposed site/dwelling for (a) occupation by a farmer engaged full time in agriculture*' the 'yes' box is ticked however in section 4 the applicant outlines his income in both farming and as an electrician, implying that he is not engaged fulltime in agriculture. In section 6 the form asks if the applicant has made any other planning application for permission for a dwelling house and the applicant's response is 'no' however as outlined above there is a prior refusal of permission on the site in the applicant's name.

7.2.4. In terms of identifying a category of need to which the applicant may comply, I note the following items are referred to but are not supported with documentary evidence or otherwise are irrelevant considerations:

- The applicant is a fluent Irish speaker: no evidence is submitted to support this. The provisions of Policy Objective RH5 in tandem with the context of the site do not specifically require this however RH5 does require the attachment of a condition regarding a language enurement for 15no. years.
- The applicant is occupied in agriculture: only one document was submitted referring to a herd number but is undated and insufficient in my view to demonstrate that the applicant is a farmer. No further documentary evidence is present on the file to support any ongoing occupation or involvement in farming or what proportion of the applicant's overall income is derived from farming.
- Multiple references are made to the fact that the applicant is the only remaining male grandson with that surname and therefore there is a requirement to continue the family's name, bloodline and presence in the area. Matters regarding gender, surname or bloodline of potential future offspring are irrelevant considerations in local need criteria beyond demonstrating the applicant's family/social link to the area.

7.2.5. Relevant supporting documentation which was submitted includes information regarding the location of the applicant's family home which is situated within 8km of the site. Primary and secondary school letters demonstrate the applicant's attendance in those schools for a 13-year period from 2001-2014. Both letters provide the applicant's address as the family home. One address record was submitted in the form of a banking statement dated 2024 in the applicant's name and

with the same address. In this regard I consider the applicant may comply with part 1(a) of Policy Objective RH4 as outlined below:

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

7.2.6. The concept of rural links and substantiated housing need is defined in Policy Objective RH2 as follows:

** Rural Links*

For the purpose of the above is defined as a person who has strong demonstrable economic or social links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

** Substantiated Rural Housing Need:*

Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

7.2.7. Having regard to the information outlined previously as well the additional supporting information regarding involvement in local organisations and family ties to the general area, I consider the applicant complies with Policy Objective RH4 1(a). I therefore recommend that the Local Authority's reason for refusal no. 1 is overturned.

7.3. Siting and Design

- 7.3.1. The planning authority refused permission due to the location of the dwelling set back 141m from the public road and considered this layout would constitute a piecemeal, disorderly, haphazard form of residential development that would be out of character with the pattern of development in the area and would create an undesirable precedent for development of a similar nature in the vicinity. It further suggested that the proposed design and siting would be incapable of assimilating into this rural area, is unreflective of the Design Guidelines for the Single Rural House, would interfere with the character of the landscape and would detract from the visual amenity of the area as it would form a visually obtrusive feature thereon.
- 7.3.2. The site is situated directly to the rear of two existing dwellings and therefore comprises backland development. Policy Objective RH14 refers to Backland Development in the Open Countryside and states that subject to additional criteria, *'in all areas subject to the other provision of Rural Housing policy objectives, consideration will be given to immediate family members on family lands as backland development.'* The additional requirements include *'where no alternative lands are available on the family holding;*
- 7.3.3. The applicant has suggested this site is preferable to the remainder of the family lands due to the easier attainment of services and also in order to not impact on the 'pristine valley' in which the family home and other lands are situated. No documentary evidence has been submitted to support this and I note that the family home and associated farmyard is situated in a lower sensitivity landscape. I acknowledge the applicant's point also stating that the subject site is closer to the local school however this is somewhat irrelevant as it is nonetheless situated in a rural area outside of a settlement.
- 7.3.4. In terms of a building line and providing a significant set back from the public road, the appeal provides examples of two other dwellings with a similar set back. Neither of these comprise backland development however they do establish a building line. There is also an existing building line situated closer to the road established by the dwellings immediately adjacent to the site. Siting a dwelling in this central paddock where the driveway is proposed would result in a much shorter driveway, would increase separation distances to the European sites, would increase separation

distances from the scenic route to the north and would result in less manipulation of the landscape compared to the current proposed location due to the topography of the site.

- 7.3.5. In this regard I consider the justification for siting the dwelling so far back in the site has not been justified and I agree with the Planning Authority's concerns regarding haphazard development. I note the applicant's point that Planning Authorities sometimes require a setback, and while each circumstance is individual and each application assessed on its own merits, set backs of the proposed 140m are rarely if ever required. In this case, I do not consider a robust rationale has been set out to justify the extent of groundworks and physical alteration to the landscape required in order to locate the dwelling in the northern paddock.
- 7.3.6. In this regard I note that site section drawings were not submitted and neither was a topographical survey to demonstrate the undulating nature of the site. Contours are provided on the site layout plan only outside of the physical footprint of the development and spot levels are also provided showing the proposed finished ground level and finished floor levels.
- 7.3.7. Having inspected the site and location of the proposed dwelling, I have concerns regarding the extent of cut and fill required in order to accommodate the proposed dwelling, as well as proposals to remove stone walls and overall artificial manipulation of the landscape.
- 7.3.8. The site is situated in a Class 4 iconic landscape with a high sensitivity to change and in my opinion the required cut and fill is excessive and would negatively impact the character of the landscape. Further, the introduction of a dwelling in this location would be highly visible from the scenic route at the northern shore of the lake and in my view would not comply with the requirements of Policy Objective RH9.
- 7.3.9. I have had regard to the photomontages submitted with the application as well as the dwelling design and the existing topography on the site. I conclude that the dwelling design itself is appropriate in principle for the rural area and meets many of the requirements of the rural design guidelines. However, in the context of the landscape designations afforded to the site and the degree of visibility from scenic routes, the extent of landscape alteration required is excessive in my view and would result in negative landscape and visual impacts, regardless of proposed landscaping and

screening proposals. In this regard the proposed development would contravene the following elements of DM Standard 8 which refers to site selection and dwelling design:

- *The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.*
- *The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).*
- *New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.*

7.3.10. In conclusion, I consider the location, layout and design of the proposed development would require inappropriate manipulation of the sensitive iconic landscape and would therefore materially contravene Policy Objectives RH 9, LCM 1 and PVSR 1 as well as DM Standard 8 of the CDP. Further, it would also contravene Policy Objective NEO 26 of the Mayo County Development Plan 2022-2028 due to negative impacts to the scenic route.

7.4. Right of Way

7.4.1. The third-party observer highlights the presence of a right of way through the site which benefits the observer. The right of way is highlighted in yellow as a wayleave in the folio submitted by the third party referring to folio number GY38875F. The reference for the wayleave is C57F and the accompanying text is as follows:

“The right of way and wayleave to install a waterpipe and such other easements as specified in Instrument no. D1998GY000928P in favour of Daniel Gillen the registered owner(s) of the property comprised in folio GY64351F, his heirs and assigns and others as specified therein affecting the part of the property shown coloured yellow on Plan C57F of the Registry Map (O.S. 26/3).”

- 7.4.2. The only folio submitted by the applicant refers to number 104308F which is a different parcel of land irrelevant to the subject site and referring to the family home. The wayleave is however illustrated in a Tailte Éireann map titled 'Official Tailte Eireann Registration Map' submitted by the applicant with a handwritten title 'Precedent for recent dwellings built this far from the roadway'. This map also refers to the wayleave as C57F.
- 7.4.3. The Site Location Map submitted by the applicant does not demonstrate the location of the wayleave as required under article 22(2)(b)(iii) of the Planning and Development Regulations 2001, as amended. In this regard I note the drawing also does not identify the adjacent land in the same ownership of the landowner as required by article 22(2)(b)(ii).
- 7.4.4. The wayleave is situated in the northern portion of the site and traverses it in a north-south axis in the location of the proposed dwelling. It is not referred to in any of the application documents including the appeal documentation which sets out site context and the design process.
- 7.4.5. The Case Planner's report summarised the contents of a third-party submission in the contextual section of the report but did not engage with the issue in hand or discuss it any manner in the assessment section of the report.
- 7.4.6. The third-party observation was not circulated to the applicant for comment however having regard to the other substantive reasons to refuse permission as already set out, I do not recommend circulating the observation at this time.
- 7.4.7. I also note in relation to drawing requirements that the site layout drawing does not illustrate the location of any septic tanks or percolation areas serving the adjacent dwellings.

8.0 Appropriate Assessment

- 8.1. Finding of no likely significant effects
- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lough Mask

SPA and Lough Carra/Mask Complex SAC in view of the conservation objectives of this/ these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.1.2. This determination is based on:

- The small scale and domestic nature of the works.
- The provision of an on-site wastewater treatment system in accordance with the EPA Code of Practice.
- The location of the site removed from the European sites, the lack of connectivity to QI habitats, lack of nesting ground potential and availability of alternative grasslands in the area.

9.0 Water Framework Directive

9.1. The site is situated 170m south of Lough Mask, referred to as Mask Upper on the EPA datasets. The underlying groundwater body is the Maan Clonbur aquifer which is a poorly productive bedrock system. The aquifer has extreme to high vulnerability in the location of the site. The site is situated in the Corrib catchment area and the Cong canal subcatchment.

9.2. The proposed development seeks to construct a detached dwelling, onsite wastewater treatment system and new vehicular access.

9.3. 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.

9.4. The reason for this conclusion is as follows:

- The nature and scale of the works.
- The location of the site removed from any waterbodies and,

- The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.

9.5. I conclude 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.

10.0 Recommendation

I recommend that planning permission is refused in accordance with the reasons set out below:

1. Policy Objective RH 9 of the Galway County Development Plan 2022-2028 requires new rural dwelling design to respect the character of existing places and fit appropriately into the landscape. Policy objective LCM 1 seeks to preserve the character of the landscape while PVSR 1 seeks to preserve scenic routes from development that would negatively impact them. DM standard 8 requires dwelling design to be site specific design, sensitive to its surroundings and to visually integrate with the landscape, utilising natural features including existing contours and established field boundaries. Further, Objective NEO 26 of the Mayo County Development Plan 2026 seeks to facilitate development along Mayo's scenic routes in circumstances where the development does not impinge in any significant way on the character, integrity and distinctiveness of the area. Having regard to the location of the site on the exposed southern shores of Lough Mask in an iconic and high sensitivity landscape with high visibility from the R600 scenic route to the north, together with the proposed layout of the site requiring an excessive driveway accessing the backland site, significant cut and fill requirements and removing field boundaries therefore artificially manipulating the sensitive landscape, the proposed development would result in negative landscape and visual impacts contravening DM standard 8 and Policy Objectives RH9, LCM 1 and PVSR 1 of the Galway County Development Plan 2022-2028 as well as Objective NEO 26 of the Mayo County Development Plan 2026. The

proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sarah O'Mahony

25th February 2026

Appendix 1- Environmental Impact Assessment Screening

Form 1 - EIA Pre-Screening

Case Reference	PL-500164-25
Proposed Development Summary	Detached dwelling, on-site wastewater treatment and new vehicular entrance.
Development Address	An Chloch Bhreac Láir, Clonbur, Co. Galway
	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.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b)(i) Construction of more than 500 dwelling units Threshold = 500 units. Proposed development = 1 no. unit.

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)

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

<p>Characteristics of proposed development</p> <p>(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).</p>	<p>The rural site is unserviced and its size is not exceptional in the context of the prevailing plot size in the area for rural dwellings in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.</p>
<p>Location of development</p> <p>(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).</p>	<p>The site is situated in an iconic sensitivity landscape and visible from a scenic route. The proposed layout and design is considered likely to negatively impact on the setting and character of the landscape and scenic route.</p> <p>These matters are addressed in the assessment above and while they are adverse, they are not significant and therefore do not trigger a requirement to carry out a full EIA.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Having regard to the nature of the proposed development and works constituting development within a rural area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential</p>

	for significant effects on the environmental factors listed in section 171A of the Act.
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: _____

Appendix 2: Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of a detached dwelling, on-site wastewater treatment system and revised vehicular arrangements.			
Brief description of development site characteristics and potential impact mechanisms	<p>The 0.7ha site is situated in agricultural land which slopes generally down towards Lough Mask but has some local undulations with humps and hollows.</p> <p>There are no watercourses on the site itself.</p> <p>The scale of development would be small and domestic with excavations and groundworks limited to the footprint of the dwelling, the proposed wastewater treatment and installation of a 141m driveway.</p>			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	N/A			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Mask SPA 004062	1 x duck 1 x tern 1 x goose 3 x gull Accessed from the NPWS website 23 rd February 2026.	170m	Indirect via surface water runoff during the construction stage and wastewater discharge to ground during operational stage.	Yes
Lough Carra/Mask Complex SAC 001774	Oligotrophic, Oligotrophic to mesotrophic and hard oligo-mesotrophic waters Dry heaths Dry grasslands and scrubland 2 x fens	140m	Indirect via surface water runoff during the construction stage and wastewater discharge to ground during operational stage.	Yes

	<p>Limestone pavements</p> <p>Alluvial forests</p> <p>Bat Otter Slender Green Feather-moss</p> <p>Accessed from the NPWS website 23rd February 2026.</p>			
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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: Lough Mask SPA (004062) Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Wastewater discharge to ground during operational stage.</p>	<p>No significant effect is likely to occur due to the separation between the site and the European sites. Any sediment released during construction stage would discharge to ground before reaching the waters in question.</p> <p>None of these species nest on farmland.</p> <p>The site does not provide high quality grazing and its loss would represent a negligible quantum in the context of the wider area surrounded by agricultural land.</p> <p>The separation distance would ensure construction and operational stage disturbances would not be likely to occur.</p>

Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site*: No		
	Impacts	Effects
<p>Site 1: Lough Carra/Mask Complex SAC 001774</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]</p> <p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>European dry heaths [4030]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]</p>	<p>Direct: None</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Wastewater discharge to ground during operational stage.</p>	<p>No significant effect is likely to occur due to the separation between the site and the European sites. Any sediment released during construction stage would discharge to ground before reaching the waters in question.</p> <p>The site does not comprise any of the listed habitats. It also does not support bat roosting habitat and commuting corridors for otter would not be lost.</p> <p>The site does not provide high quality grazing and its loss would represent a negligible quantum in the context of the wider area surrounded by agricultural land.</p> <p>The separation distance would ensure construction and operational stage disturbances would not be likely to occur.</p>

Alkaline fens [7230]		
Limestone pavements [8240]		
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]		
Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]		
<i>Lutra lutra</i> (Otter) [1355]		
<i>Hamatocaulis vernicosus</i> (Slender Green Feather-moss) [6216]		

Likelihood of significant effects from proposed development (alone): No

If No, is there likelihood of significant effects occurring in combination with other plans or projects? No

Possibility of significant effects (alone) in view of the conservation objectives of the site*:
No

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Lough Mask SPA and Lough Carra/Mask Complex SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give

rise to significant effects on Lough Mask SPA and Lough Carra/Mask Complex SAC in view of the conservation objectives of this/ these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and domestic nature of the works.
- The provision of an on-site wastewater treatment system in accordance with the EPA Code of Practice.
- The location of the site removed from the European sites, the lack of connectivity to QI habitats, lack of nesting ground potential and availability of alternative grasslands in the area.

Inspector: _____

Date: _____