



Development	Construction of a house and garage together with all ancillary site works.
Location	Cross, Kilmeena, Westport, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2560325.
Applicant(s)	Catherine McManus and Morgan O' Flaherty.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party Normal Planning Appeal.
Appellant(s)	Catherine McManus and Morgan O' Flaherty.
Observer(s)	None.
Date of Site Inspection	15 th April 2026.
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site, of area 0.446ha. consists of part of a grass field which is somewhat elevated above a local road (the L18073) which is accessed off the N59 Westport to Newport national primary road. There is a dwelling opposite the site at a lower level. The L18073 is a cul de sac which serves nine existing dwellings.
- 1.2. The rural site is c.3.5km north-west of Westport town and is c.6.2km south of Newport.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - A single storey dwelling in two parallel pitched roof forms joined by a central element and mono pitch domestic garage to the rear.
 - Effluent treatment system.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Mayo County Council initially decided to request further information in relation to (1) demonstrate a social or economic link to the area, (2) site sections showing the excavation required south-east of the proposed access, (3) a site-specific design proposal for the wastewater treatment system, (4) longitudinal and cross section drawings showing the WWTS and the land to be cut/filled or levelled, and (5) clarify if the trial hole level is representative of the location of the percolation area.
- 3.1.2. Following receipt of F.I., the P.A. decided to refuse permission for two reasons related to (1) the failure of the applicant to demonstrate a social or economic link in accordance with Objectives RHO-1 and RHO-3 of the Development Plan, and (2) given the location on an elevated position in close proximity to a national road and designated scenic route, it would fail to integrate into this highly scenic rural landscape, the failure to meet a high standard of siting contrary to Objective RHO-3 and its adverse impact on the visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the family home to be in the suburban area of Westport town which is not connected to the rural area of Kilmeena. It was considered that the applicant did not meet the criteria for a rural dwelling in the area. While the house design was considered acceptable, the elevated position 4 to 5m above the local road and 8 to 10m above the national road would result in an adverse impact on the landscape at the location.

In relation to wastewater treatment, it noted that no site sections were provided through the system on the sloping site and it noted that the water table is noted at 700mm in the trial hole evacuation and that F.I. is required. It noted that significant excavation is required to achieved the 70m sightlines indicated and that this was not reflected on the site sections submitted. It recommended that permission be refused for the two reasons outlined in Section 3.1 above. This was amended by direction of the acting head of the district with F.I. recommended in relation to three items (1) Demonstrate a local link, (2) submit site sections for the excavation at the entrance and (3) submit a site specific design for the WWTS. An advice note was added in relation to concerns of the visual impact on the landscape.

The second Planner's Report in relation to the local link criteria noted that the employment information submitted did not show a requirement to live in Kilmeena given the nature of the occupation as a mechanic and it noted that the applicant's child attends a local primary school. It was held that the local need criteria was not met. In relation to item 2, the section drawings were considered satisfactory in relation to the entrance. In relation to item 3 it noted that the submitted section drawings addressed the request. In relation to the advice note, the concern remained in relation to the house due to the elevated siting in close proximity to a national road and designated scenic route and it considered there was a failure to demonstrate that the proposal could integrate effectively into the sensitive rural setting. It recommended that permission be refused for the two reasons outlined in Section 3.1 above.

3.2.2. Other Technical Reports

- Area Engineer Westport: No objection subject to condition.

3.3. Prescribed Bodies

- Uisce Éireann: No response.
- An Taisce: No response.
- Department of Housing, Local Government and Heritage: No response.
- Development Applications Unit (Natural Heritage): No response.

3.4. Third Party Observations

None.

4.0 Planning History

2349: Application withdrawn for construction of a private dwelling house, domestic garage, proprietary effluent treatment system and soil polishing filter.

2360453: Application withdrawn for construction of a private dwelling house, domestic garage, proprietary effluent treatment system and soil polishing filter.

2460607: Application withdrawn (following F.I.) for construction of a private dwelling house, domestic garage, proprietary effluent treatment system and soil polishing filter. F.I. was requested in relation to sightlines, a section showing compliance with gradient standards for the access and map showing the location of the family home.

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.*

Objective 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.*

Category 1 - Rural Areas under Strong Urban Influence: *These areas include the open rural countryside around the Tier I (Key Towns and Strategic Growth Town) and Tier II (Self-Sustaining Growth Towns) towns. They have been designated to support the sustainable growth of the urban areas, to provide for the immediate, local rural community who have a genuine housing requirement, while directing urban generated housing into designated settlements, maintaining their vitality and viability. It is recognised that new dwellings in these areas make a contribution to the vitality and viability of the local rural and urban communities.*

Objective 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.*

Objective RHO 3 relates to applications along Mayo's Scenic routes which is not applicable in this instance.

Objective 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).

Chapter 10 – Natural Environment

Per Map 10.1 (Landscape Policy Areas) the site is located within Policy Area 2 where rural dwellings per Figure 10.1 are considered to have a “*medium potential to create adverse impact on the existing landscape character. Such developments are likely to be clearly discernible and distinctive, however with careful siting and good design, the significance and extent of impacts can be minimised to an acceptable level*”.

Per Map 10.2 (Scenic Routes and Views) the site or area in the vicinity is not designated.

Objective NEO 11 *To ensure that the impact of development within or adjacent to national designated sites, Natural Heritage Areas, Ramsar Sites and Nature Reserves likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment report (EclA), Environmental Report (ER), an Environmental Impact Assessment Report (EIAR), if deemed necessary, and/or a Natura Impact Assessment (NIS), if deemed necessary, prepared by a suitably qualified professional, which should accompany planning applications.*

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

- *Does not impinge in any significant way on the character, integrity and distinctiveness of the area.*
- *Meets high standards in siting and design.*
- *Contributes to and enhances local landscape character.*
- *Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations. Rural housing applications along Scenic Routes must comply with the requirements set out in Objective RHO 3 (Chapter 3).*

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

Policy NEP 21 *To manage, protect and enhance surface water and ground water quality to meet the requirements of the Water Framework Directive.*

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 2.11 relates to water supply.

Section 2.12 relates to surface water.

Section 7.6 relates to access visibility requirements where 70m sightlines are required per Table 4.

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.

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

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

5.3. National Planning Framework (NPF) First Revision

National Policy Objective 28

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

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans having regard to the viability of smaller town and rural settlements;*

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

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

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

5.5. **Natural Heritage Designations**

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

- c.0.65km north-west of Coolbarreen Lough PNHA (site code 000481).
- c.2.15km north-east of Clew Bay Complex SAC and PNHA (site code 001482).
- c.6.1km south of Newport River SAC (site code 002144).
- c.6.2km north-east of Knappagh Woods PNHA (site code 001520).
- c.6.2km north-west of Ardogommon Wood PNHA (site code 001470).
- c.7.1km north-east of Brackloon Woods SAC and PNHA (site code 000471).
- c.7.2km north-east of Croagh Patrick PNHA (site code 0001483).
- c.7.3km north-east of Lough Greney Bog NHA (site code 002455).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the first party appeal on behalf of the applicants, Catherine McManus and Morgan O' Flaherty, can be summarised as follows:

- “Rural area” is defined as being within 5km of a family residence and “*general rural area*” includes but is not limited to parish, district electoral division and townlands.
- ACP have defined the relevant area to be within “*reasonable distance from the family home*” under ABP-322579-25.
- Objective RHO-1 requires the applicant to have spent a period of their lives living in the general rural area in which they propose to build a house.
- The townland the applicant is from, Rossbeg, is by definition within the “*general rural area*” of Westport as it is outside the town boundary in an area zoned for agriculture in the current LAP.
- The site is less than 4km from the original family home and is c.2.3km from the Westport LAP boundary, see application supporting documents.
- The applicant qualifies as having a genuine housing need under Objective RHO1 categories 2 and 5 (applicant’s daughter).
- The applicant’s employment is in Carrowbeg, Kilmeena which is c.1.6km from the proposed dwelling (see F.I. documents).
- The site is not located along a designated scenic route such that Objective RHO-3 is not applicable (see Map 10.2 of the Development Plan). The scenic areas along the N59 are stated to be from Westport to the southern county boundary with Galway (Section 3.6(a)) of the Landscape Appraisal.
- The conflation of Objective RHO 3 with the position of the dwelling on an elevated landscape has no merit as a refusal reason.
- The site is within landscape protection policy area 2 (lowland coastal zone) and the area is not listed as a sensitive landscape in Section 3.2(a) in the Development Plan and is not described as a scenic route.
- While the site is elevated, any visual impact is mitigated by the existing trees on the southern site boundary which are an effective screen, the screening by the existing dwelling and by the additional proposed screening.
- The house is single storey with an overall height of 4.7m and the ground level of the house location would be lowered and is 31m from the edge of the N59.

- The revised site plan, site sections and the photomontage at F.I. stage show the house will not impact on the N59 or on the landscape in the vicinity.
- The Planner's Report acknowledged that the design accords with the Mayo Rural Housing Design Guidelines 2008 and it accords with Sections 1.1 and 1.2 of the Rural Housing Design Guidelines as far as possible.
- The dwelling is not sited at a high point on the site, site excavation and filling is minimised, the gable ends face the public road and the house is broken down into smaller forms reducing volume and height.
- There is no unnecessary destruction of mature planting. The existing tree backdrop is retained and will provide a shelter belt.
- Enclosed, inter alia, is a letter outlining some of the personal circumstances of the applicant and his family, a letter from the Children's Disability Network Team Psychologist, personal letter of circumstance from the applicants, a folio of the applicable lands, a letter and contract in relation to employment at Carrowbeg, Kilmeena, letter from a national school in Kilmeena in relation their child's attendance there, letter in relation to proposal to place beehives on the land and apply for the Native Tree Area Scheme in support of local biodiversity and woodlands, house rental confirmation at Cross and school attendance letter from St Colmcille NS at The Quay, Westport.

7.0 **Assessment**

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

- Principle of Development.
- Design and Rural Amenity.
- Access.
- Wastewater Treatment.

- Other Matters.

7.2. Principle of Development

- 7.2.1. I note that policies RHP 1 and 2 of the CDP encourage rural housing in the county but that this is subject to the rural housing objectives of the CDP. I note the appeal case in relation to the principle of development which relates to the local needs requirement under Objectives RHO 1 and RHO 3 of the CDP as the site is located within a rural area under strong urban influence. Having reviewed the CDP, including the maps contained within it such as Map 10.2, I note the site is not located along a designated scenic route such that I do not consider Objective RHO 3 to be relevant. I note that Objective RHO 1 is relevant to the rural site c.2.75km north-west of the urban edge of Westport town. The appeal has asserted that the applicants qualify for a one off rural dwelling on the basis of categories 2 and 5 of the listed criteria.
- 7.2.2. I note that following F.I., the P.A. considered that the applicant's employment as a mechanic does not require him to reside in this rural location. Having considered also the letter in relation to the applicants' child, it considered that they failed to comply with Objective RHO 1 of the CDP. I note the appeal asserts that the applicants meet the local need criteria based, inter alia, on the applicant's circumstances including being from Rossbeg which it considers to be in the general rural area of Westport with the site less than 4km from the original family home and c.2.3km from the town boundary.
- 7.2.3. In this regard, I note the applicant's home place is c.3.5km south of the subject site across the coastal inlet, and while it is within a rural area, I note that the rural area is effectively on the other side of Westport town and that it is separated from the rural area of Cross by the coastal inlet. I therefore do not consider the site to be located in the same general rural area as the applicant's family home in Crossbeg notwithstanding that the distance is within 5km of where the applicant grew up (see supporting documentation including school letter). I note this in the context of the cited appeal under ABP-322579-25 which related to a rural site just outside the urban edge of Castlebar.
- 7.2.4. I note the references to the applicant's recent employment within the rural area within the Cross area. I note the occupation, while in a rural location, is not similar to farming or other related occupations which are rural occupations functionally

connected to the land. I note the educational needs cited in relation to the applicant's child. Having reviewed the submitted documentation I do not consider these applicable to category 5 of the criteria under Objective RHO 1 as these criteria refer to the applicants and not other members of their family and noting that it would be open to the applicants to attend the school of their choice while living within Westport town. I also note no conclusive medical evidence as to why a rural location is required over an urban location.

7.2.5. Based on the above, I do not consider that the applicants have, either in the appeal or application documentation, established a local housing need under categories 2 and 5 of Objective RHO 1 of the CDP. In this circumstance, I do not consider that the principle of a rural dwelling at the subject site to be appropriate and I recommend that permission be refused in relation to this issue.

7.3. Design and Rural Amenity

7.3.1. I note the single storey dwelling design would have two gable ends facing north-east towards the public road and the parallel pitched roof element would be joined by a central lower height element. There would also be a modest domestic garage to the rear of the dwelling. Similar to the Planner's Report, I consider that the design form, of modest scale (ridge height 4.765m, floor area 206.58sqm) and appropriately broken down into smaller forms, would be acceptable. I note this having regard to the Design Guidelines for Rural Housing. However, I note that the dwelling would be sited in an elevated position above the adjacent public road and above the N59 to the east. It would be at FFL 23.5m in contrast to the dwelling opposite which is at 16.23m which is located up a short hill from the N59.

7.3.2. I note that the dwelling would be largely screened from the public roads in the vicinity by the existing tree line to the south-east, by the dwelling opposite to the north and the trees to its north and by the proposed tree planting inside the new north-east boundary. I note this having visited the site and having reviewed the drawings and photomontages submitted at F.I. stage. In my opinion, while the elevated site position is not ideal, noting the existing screening and that proposed including new hedgerow and silver birch planting, I do not consider the siting issue to be so problematic that it would result in undue negative impacts on the character of the site or that of the receiving environment. In relation to the design and site layout, I therefore consider

that there would be a reasonable level of consistency with the Design Guidelines for Rural Housing and with Objective RHO 5 of the CDP.

7.4. Access

7.4.1. I note the site location with frontage along the single lane local road (the L18073) which leads downhill from the proposed entrance towards the N59. I note that sightlines of 70m in both directions are shown on the site layout plan to be capable of being achieved. I note the P.A. considered this adequate following the submission of the site section drawings at F.I. stage. I consider that the required sightlines are capable of being provided consistent with Volume 2, Section 7.6 of the CDP. I note this would involve removal of the existing north-east boundary hedgerow and some excavation of an area of the hillside adjacent to the local road. In the context of the overall design, the new planting proposed and the provision of adequate sightlines, having reviewed the section drawings, I consider this approach to be reasonable and acceptable.

7.5. Wastewater Treatment

7.5.1. I note that the proposed waste treatment system would be located to the side and rear of the dwelling. I note that following the submission of section drawings showing the wastewater treatment system and the requirement for land to be cut/filled or levelled on site, the P.A. considered the proposed WWTS to be acceptable. I note the Proposed Site Treatment System report prepared by RM Consulting Engineers Ltd. I note the Site Characterisation Form shows that the aquifer type is Karstified and regionally important and that the soil type is till derived from limestone.

7.5.2. I note the trial hole depth of 2.2m which encountered water ingress at 1.5m. A 0.7m depth from ground surface to the water table was found. I note the surface percolation result was found to be 65 and the sub-surface result was 72. The groundwater protection response is noted to be R1. The report recommended a tertiary treatment system following secondary treatment be provided. In this regard a 150sqm area polishing filter is shown towards the south-west corner of the site uphill from the secondary treatment unit.

7.5.3. I note the EPA Code of Practice for Domestic Waste Water Treatment Systems (P.E. <10) is applicable. I note that per Table 6.4 of the EPA Code, for the above percolation results, a tertiary treatment system and infiltration area is required and

this is proposed in this case. I note that Table 6.3 of same for a groundwater protection response of R1 requires a minimum depth of 0.9m. The site layout map notes a 300mm depth of pea gravel for the soil polishing filter which combined with the stated 0.7m depth of unsaturated soil would be in excess of the minimum required depth. I note that the minimum separation distances required under Table 6.2 of the EPA Code would be achieved.

7.5.4. Having visited the sloping site which I also note includes a significant number of reeds consistent with poor drainage conditions and noting the section drawings submitted at F.I. stage, which I do not consider to be consistent with the findings of the Site Characterisation Form in relation to the position of the water table shown to be at a greater depth on the site sections than the test results indicated, I am not satisfied that the required minimum 0.9m depth of unsaturated soil below the tertiary treatment system can be achieved together with the excavation required to flatten the percolation area.

7.5.5. In light of this uncertainty regarding the findings of the Site Characterisation Form and the site sections as they relate to the level of the ground water on the site, I recommend that permission also be refused in relation to this issue given the failure to demonstrate compliance with the EPA Code of Practice is contrary to Sections 2.10 and 8.4 of Volume 2 of the CDP.

7.6. **Other Matters**

7.6.1. In relation to drainage, given the modest area of the site that would be covered by new building and surface areas, I consider that surface water drainage can be adequately catered for on the site subject to a standard SUDS condition. In relation to the water supply, I note the proposed connection to the ground water scheme with letter of confirmation supplied which is acceptable.

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.2.15km north-east of Clew Bay Complex SAC, the nearest European site.
- 9.2. The proposed development comprises construction of a house, garage and on-site wastewater treatment system. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am not satisfied that it can be eliminated from further assessment because it could have an effect on a European Site. The reason for this conclusion is as follows:
- The distance from the nearest European site and indirect connection thereto via groundwater to surface water channel.
 - The failure to demonstrate that the wastewater treatment system would comply with the EPA Code of Practice (2021) for Domestic Wastewater Treatment Systems (P.E. <10).
- 9.4. I conclude, on the basis of objective information, that it cannot be ruled out that the proposed development would have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.5. Likely significant effects cannot be excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is required. In the absence of the information required to carry out AA, I recommend that permission be refused as this would be contrary to Policy NEP 21 of the CDP.

10.0 Water Framework Directive

- 10.1. I note designated waterbodies must be improved to at least good ecological status per the requirements of the Water Framework Directive. I have carried out a screening assessment in Appendix 4 in relation to impacts related to the

requirements of the Water Framework Directive. Noting that the applicant has failed to demonstrate that the proposed on-site wastewater treatment system and soil polishing filter complies with the EPA Code, I have concluded that it cannot be ruled out that the proposed development would not pose a risk to surface and ground water bodies in the vicinity.

- 10.2. Given the proximity of the Newport (IE_WE_G_0023) ground waterbody (status “good”) and the Cloonkeen_010 (IE_WE_32C380790) river waterbody (status “good”), the proposed development may prevent the future maintenance or attainment of a ‘Good’ water status and may result in the deterioration of existing water quality of the ground and surface water bodies which would not be consistent with the Water Framework Directive. Accordingly, I recommend that permission be refused in relation to this issue and contravention of Policy NEO 11 of the CDP.

11.0 Recommendation

- 11.1. I recommend that permission be refused for the reasons stated below.

12.0 Reasons and Considerations

1. Based on the information submitted, it is considered that the proposed development, if granted, would contravene Rural Housing Objective RHO 1 of Volume 1 of the Mayo County Development Plan 2022-2028. The proposed development would therefore, if permitted, be contrary to the proper planning and sustainable development of the area.
2. Given the uncertainty in relation to the level of ground water which has been found on the site, it has not been demonstrated that the site is suitable for the safe disposal of effluent from the proposed wastewater treatment system and this is contrary to Sections 2.10 and 8.4 (Effluent Treatment Systems) of Volume 2 of the Mayo County Development Plan 2022 – 2028 in that it would not accord with the EPA Code of Practice for Domestic Waste Water Treatment Systems (P.E. <10). Therefore, the proposed development would be prejudicial to public health. Further, it has not been demonstrated that there would be no undue adverse impacts on waterbodies in the vicinity

contrary to Policy NEP 21 and that there would be no significant negative impact on Natura 2000 sites due to water quality impacts contrary to Policy NEO 11 of the Development Plan. The proposed development is, therefore, 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.

Ciarán Daly
Planning Inspector

17th April 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	PL-500617-MO-26		
Proposed Development Summary	Construction of a house, garage and wastewater treatment system.		
Development Address	Cross, Kilmeena, Westport, Co. Mayo.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Form 2 – EIA Preliminary Examination

Case Reference	PL-500617-MO-26
Proposed Development Summary	Construction of a house, garage and wastewater treatment system.
Development Address	Cross, Kilmeena, Westport, Co. Mayo.
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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>One new dwelling and garage, total 236.58sqm floor area on a site area of 0.446ha in a rural area.</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>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The rural area includes agricultural lands with some rural houses in the wider rural area. No sites of historic, cultural, ecological or archaeological interest or significance in the vicinity.</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>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Modest scale and domestic nature of the development would not give rise to significant environmental effects on the site or in the vicinity.</p>

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

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500617-MO-26	Townland, address	Cross, Kilmeena, Westport, Co. Mayo.
Description of project		Construction of a dwelling, garage and on site wastewater treatment system.	
Brief site description, relevant to WFD Screening,		The rural sloping site includes areas of rushes within the grassland.	
Proposed surface water details		Roof water and hard surface water can be drained to a soakage area and discharged to groundwater.	
Proposed water supply source & available capacity		Connection to group water scheme – consent shown.	
Proposed wastewater treatment system & available capacity, other issues		On site secondary to tertiary system with percolation area.	
Others?		Not applicable	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.1.5km to the south-east	Cloonkeen_010 (IE_WE_32C380790) river waterbody	Good	Under review	Not assigned.	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying site	Newport (IE_WE_G_0023) ground waterbody	Good	Not at risk	No pressures	Possible flow draining soil conditions.

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Cloonkeen_010 (IE_WE_32C380790) river waterbody	None	None	None	No	Screened out
2.	Ground	Newport (IE_WE_G_0023) ground waterbody	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Cloonkeen_010 (IE_WE_32C380790) river waterbody	None	None	None	No	Screened out
4.	Ground	Newport (IE_WE_G_0023) ground waterbody	Drainage	Untreated wastewater to ground	On-site wastewater treatment system to EPA Code	Yes	Screened in
DECOMMISSIONING PHASE							

5.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3: Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)			
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:				
Development Activity 4	On-site wastewater treatment system to EPA Code	On-site wastewater treatment system to EPA Code	On-site wastewater treatment system to EPA Code	No, failure to demonstrate on-site wastewater treatment system to EPA Code			