



<b>Development</b>	Construction of a private dwelling house and all site works. The application is accompanied by a Natura Impact Statement (NIS).
<b>Location</b>	Rosbeg, Westport, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	2560798.
<b>Applicant(s)</b>	William Doheny.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party Normal Planning Appeal.
<b>Appellant(s)</b>	William Doheny.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> April 2026
<b>Inspector</b>	C. Daly.

## 1.0 Site Location and Description

- 1.1. The subject site, of area 1.13ha., consists of part of a grass field that slopes downhill towards the adjacent coastal inlet. The site widens towards the coast. The site is accessed from a laneway to the side which is a right of way towards a pumping station. There is a side agricultural gate from this laneway which otherwise has a side hedge boundary. There is a short gravel driveway area inside the agricultural gate which leads up towards the front of the site. On the day of my site visit there was some surface water ponding on the site towards the coastal end. There is a fence close to the northern site boundary and the edge of the coastal inlet.
- 1.2. There is an existing detached two storey dwelling adjacent to the north-west side of the proposed dwelling. To the south-east side, there is a small wooded area. To the front of the site, between it and the public road, is a rectangular gravel area and roadside access with stone piers.
- 1.3. The site is at the eastern end of a line of nine detached dwellings and is served by a local access road which also serves a number of detached dwellings at the end of the cul de sac and on the other side of the road. The rural coastal site is c.2.5km from the centre of Westport and along the shoreline it forms part of the Clew Bay Complex Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA).

## 2.0 Proposed Development

2.1. The proposed development, in summary, consists of the following:

- Construction of a two storey dwelling house with two forward and rear projecting gables either side of the central area with main pitched roof and ground floor side element with gables facing front and rear, pitched roof garage joined to front of dwelling with archway separating at ground floor level.
- Separate detached stables building with pitched roof and central through archway with central overhead gable element facing to the front and rear and with stables on both sides of the central archway.

- Connection to public services.
- The application includes a Natura Impact Statement.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Mayo County Council decided to refuse permission for one reason which related to contravention of Rural Housing Objective RHO-4 as it considered that, based on the family land ownership details submitted, the applicant does not have a longstanding social link to the scenic coastal area and the proposed development would therefore interfere with the character of the landscape which it is necessary to preserve.

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

3.2.1. The planner's report assessment noted that the dwelling would be set back 100m from the local road with a FFL of two metres below it and that it would be set back further than the existing dwellings. It noted the site zoning for agriculture under the LAP. It notes that the applicant's family home is at Cloonagh c.3km south of the site and that while some livestock would graze on the site, the bulk of their livestock will graze at their 9.5ha land holding at Bohea. It noted the submitted information in relation to social links and noted the possible availability of a site at the applicant's larger landholding at Bohea. It considered the applicant does not have a long standing social link to the area and that the previous refusal reasons had not been overcome. It recommended refusal accordingly.

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

- Area Engineer: No objection.
- Environment: Recommended permission be granted subject to conditions.
- Environment Flooding: Requested an SSFRA.
- Environment Waste: No objection subject to conditions.
- Water Services: No response.

#### **3.3. Prescribed Bodies**

- An Taisce: No report received.

- Development Applications Unit (Natural Heritage): No report received.
- Uisce Éireann: No report received.
- The Heritage Council: No report received.

### 3.4. Third Party Observations

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

- There is precedent under reg. ref. 23/484 for granting permission in similar circumstances.
- The interpretation of the Development Plan in relation to local need is a legal issue and not a planning issue.
- The applicant has submitted evidence of his long-standing social link to the area and his residing adjacent to the site for more than five years.
- The applicant meets the requirements of Objective RHO 4 which is the only reasonable and lawful interpretation.

## 4.0 Relevant Planning History

**11/631:** Permission granted by the P.A. for three dwellings and access road.

**24/60716:** Permission refused for a dwelling house, domestic garage and farm stables. Reason for refusal related to failure to satisfy criteria of Rural Housing Objective RHO-4 given lack of social links to the area.

**25/60582:** Permission refused for a dwelling house, domestic garage and farm stables. Reason for refusal related to failure to satisfy criteria of Rural Housing Objective RHO-4 given lack of social links to the area.

## 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

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.

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

**Objective RHO 4** *Housing applications, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, will be considered where the applicants 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 Satisfies all other criterial with regard to, inter alia, servicing, public safety, and environmental considerations Demonstrates enhancement to local landscape character and ecological connectivity Note: An occupancy clause will be attached to any grant of planning permission.*

**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*”.

Per Map 10.2 the site is within the vicinity of a scenic route and there is a scenic route with designated views to the south-west which would not have direct views of the subject site.

**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.*

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

### Volume 2

#### Section 7.6 Access Visibility Requirements

Table 4 Access Visibility Requirements – on regional and local roads, this requires a visibility requirement of 70m in both directions where the speed limit is 50kph and 120m in both directions where the speed limit is 80kph.

Section 7.6 and Table relates to access visibility requirements

## **5.2. Westport Local Area Plan 2024-2030 (the LAP)**

- 5.2.1. The site is within the boundary of the LAP and is zoned for agriculture development which it states is “*To reserve land for agricultural and rural uses and to preserve the amenity of the town setting. Developments for single houses within areas zoned Agriculture will be considered on their merits having regard to the Rural Housing policies and objectives of the Mayo County Development Plan 2022-2028 and issues such as access, services and siting*”. I note that under the zoning matrix Table 11.2 “residential – single” is listed as open for consideration and subject to the Rural

Housing Policy as outlined in the Mayo County Development Plan 2022-2028 (or subsequent plans).

### **5.3. Relevant National or Regional Policy / Ministerial Guidelines**

Relevant national guidelines and policies include:

- Sustainable Rural Housing Guidelines for Planning Authorities (2005).

### **5.4. Natural Heritage Designations**

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

- Partly within and adjacent to the Clew Bay Complex SAC and PNHA (site code 001482).
- c.2.4km south-west of Coolbarreen Lough PNHA (site code 000481).
- c.2.9km north-east of Knappagh Woods PNHA (site code 001520).
- c.3.9km north-east of Lough Greney NHA (site code 002455).
- c.3.9km north-east of Croagh Patrick PNHA (site code 000483).
- c.4.1km north of Brackloon Woods SAC and PNHA (site code 000471).
- c.5.2km north-west of Ardogommon Wood PNHA (site code 001470).
- c.6.5km north-west of Kinlooney Lough PNHA (site code 001518).

## **6.0 The Appeal**

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

The grounds of the first party appeal by the applicant William Doheny can be summarised as follows:

- The applicant's history of residence includes that the subject site is c.2.7km north-east of the family home place where he grew up and that he lived adjacent to the site for the last 5 years.
- The applicant's brother and sister reside in the two dwellings directly adjacent to the applicant's site for over 10 years and the land was originally purchased by his grandfather.
- The applicant's long-standing social connection is noted including via his school and his active farming of the land.

- There have been no third party objections and over twenty residents signed a letter of support acknowledging that the applicant and his family are known to the residents.
- The Council may not have considered that the applicant has resided adjacent to the site at his sister's house for over five years.
- The Council have not applied Objective RHO 4 consistently as evidenced in reg. ref.s 23/484 and 22/998 where permission was granted to applicants who provided less documentation than the applicant.
- The Development Plan in relation to Objective RHO 4 does not define what a "longstanding" time period is and does not outline what is "the area concerned". The applicant's links are both very close and longstanding with the area.
- The application complies with Objective RHO 4 in relation to its high standard of siting, design and landscape enhancement, a similar design on the peninsula was approved (ABP-317555-23), there are no ecological concerns noting the NIS and the connections to the public mains.
- The alternative site at Bohea is used for land spreading, timber harvesting and livestock such that the current joint owners are not agreeable to selling it and the applicant has no long-standing connections to the Bohea area, there are no mains services there and the rushes indicate poor drainage conditions. There is no existing electricity connection to the elevated area, the land is likely physically unsuitable for development given the wetlands, forestry, peat bog and mountainous and rocky terrain, the access road would require significant upgrading and where it joins the minor county road at an acute angle presents a safety concern; and the family land at Cloonagh cannot accommodate an additional dwelling.
- Taken together, the evidence clearly demonstrates the applicant's substantial, continuous, and long-standing social connections to this specific area in full accordance with Objective RHO 4.
- The site previously had planning permission, is serviced and represents an infill site in what is a quasi-urban area and is c.400m from the town boundary.

- The appeal includes four attachments which include details on the personal and family background, an opinion statement from a planning consultant, an opinion statement from a planning law barrister and social connection evidence.

## **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
- Other Matters

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

7.2.1. I note the appeal documentation submitted in respect of the applicant's case regarding his local links to the area and connection to it including the planning and legal opinions submitted. I note that the site is located in a rural area under strong urban influence, is zoned for agricultural development under the LAP where "residential – single" is listed as open for consideration and is subject to the Rural Housing Policy of the CDP.

7.2.2. Given the coastal rural location, Objective RHO 4 of the CDP is applicable in this instance. This objective requires applicants to, inter alia, demonstrate a long-standing social link to the area concerned.

7.2.3. I note the appellant's reference to the Inspector's assessment under ABP-315734-23 where it was noted that the CDP does not define what constitutes "long-standing" and no time period is prescribed in this regard and that the objective does not define what is "the area concerned". I note the documentation submitted on the file in relation to the applicant's links to this area. To note, in relation to the precedents

cited by the appellant in relation to the principle of development, I have carried out a de novo assessment based on the particular circumstances of the applicant.

7.2.4. Based on my review of the relevant documentation from the applicant, including inter alia evidence of residence on the adjacent site since 2020, residence in the area to the south prior to that including at the family home at Cloonagh (within 3km to the south) per birth certificate, school attendance letters, herd keeper confirmation letter, details of current and recent employment in north Mayo and Westport, letter from local church, letter of support from 18 Rosbeg residents and folios showing sites in family ownership at Rosbeg. Based on this information, I consider that the applicant has a long-standing social link to the Rosbeg area as a result of his residence adjacent to the site and within 3km to the south at Cloonagh which I consider to be within a relatively short distance of the site.

7.2.5. I note the P.A., in its refusal reason, referred to the family land ownership at Boheh where it considered there was an alternative site available that would avoid using the rural coastal site. I note the information on the file in relation to the joint family land ownership at Bohea c.5km to the south of the site which is noted to be used for organic and sheep farming. Based on the appeal where I consider it has been shown that it is not realistically feasible to use this alternative site and also noting that the consent of two other parties would be required to make it available for such use, I do not consider it reasonable to expect the applicant to use the alternative site for a dwelling rather than the subject site. Accordingly, in relation to the alternative site criteria, in my opinion the P.A. reason for refusal is not merited in this case.

7.2.6. Based on the above, I consider that the applicant has demonstrated a long-standing social link to the area as required such that this aspect of the refusal reason is not merited. Accordingly, I consider the principle of a residential dwelling to be acceptable on the lands. In relation to the stables, noting their agricultural use type, I consider this proposed use to be acceptable in principle.

### **7.3. Design**

7.3.1. I note Policy RHP 5 of the CDP seeks rural housing applications that employ site specific designs. I note that Objective RHO 4 of the CDP also includes design related criteria which must be met in this instance.

*Meets high standards in siting and design*

7.3.2. I note that the dwelling would have a main eaves height of 5.4m and ridge height of 8.8m. It would be sited within/behind a line of detached houses at a significant distance back from the public road and would be positioned at an angle in relation to the road and to the other side of the inlet. This, together that the dwelling would be set down c.2m from the public road, that there would be a large area of open space to the rear, that it would be set among a number of dwellings broadly consistent with the established pattern of residential development on the peninsula and that it would be set 5.5m above the maximum high tide level and 8.5m above the sea level, is such that the siting would be to a high standard in my opinion.

7.3.3. I note that the dwelling design, with the front and rear gables and the windows and use of pitched roof, would break up the scale of the dwelling with sections of appropriate vertical emphasis. I consider this design to be appropriate for a rural setting. Should permission be granted, I recommend a condition to ensure standard rural finishes are applied.

7.3.4. I note the traditional design form of the stables with eaves height of 3.4m and ridge height of 7.49m. While I note the length of the building would be broken up by the central archway, I note the ridge height would be significantly higher than the eaves height of the two storey dwelling. I consider the height to be excessive for such a structure on a site in relatively close proximity to the proposed dwelling and the adjacent dwelling. In my opinion this scale of stables building would significantly detract from the semi-urban character of the site notwithstanding the agricultural zoning. Should permission be granted, I recommend that the stable structure be omitted by condition.

*Does not impinge in any significant way on the character, integrity and distinctiveness of the area*

7.3.5. I note that the appeal has noted that permission was granted on the site for a dwelling, as part of a permission for three dwellings in the vicinity, and that the landscape character has not changed since. I note the large setback from the public road and that from the north, across the inlet, the house would read as an additional house in an area of houses. I note that the peninsula could reasonably be described

as quasi-urban as is suggested in the appeal given the significant number of dwellings on it.

7.3.6. I note the site location within Policy Area 2 (Landscape Policy Areas) of the CDP where rural dwellings are noted to have a medium potential to create an adverse impact on the existing landscape character. Per Map 10.2 the site is within the vicinity of a scenic route although the site is not visible from the scenic route to the east and there is a scenic route with designated views to the south-west which would not have direct views of the subject site given the intervening landscape of the southern area of the peninsula.

7.3.7. In terms of the visual impact on the receiving area, I have noted that the design of the dwelling would be adequately broken up to provide sections of vertical emphasis and I consider it would be reasonably distinctive. I consider the design to be consistent with the local vernacular and to accord with the Design Guidelines for Rural Housing of the Council. In this context, noting also its setback from the road and inlet with ample open space to its front and rear, I consider that the traditional design form would integrate with the site and the houses in the vicinity which are mainly traditional in design.

7.3.8. I consider that the design and position of the house on the site would not be excessively visually obtrusive on the site and surrounds and I note that this would be further aided by the trees and hedging towards the front and side of the site as well as by the trees along the access laneway and in the vicinity of the public road close to the site. Noting the local landscape is not particularly open and is well sheltered by trees in the vicinity of the access, I consider that the dwelling would not significantly impact on the character, integrity and distinctiveness of the area.

*Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations*

7.3.9. I note the dwelling would connect to the public water and wastewater network. I note there was no response from the relevant sections of the Council in relation to this matter. Based on the Uisce Éireann water capacity register and the wastewater treatment capacity register where spare capacity is noted, should permission be granted I recommend a standard condition in relation to same. In terms of public

safety and environmental considerations, these are assessed further below in this report and no significant issues are noted.

*Demonstrates enhancement to local landscape character and ecological connectivity*

*Note: An occupancy clause will be attached to any grant of planning permission.*

- 7.3.10. Given that I consider the design of the dwelling integrates with the site and surroundings and is consistent with the established pattern of development as outlined, noting this and that the landscape would not be significantly affected, I consider that, in order to enhance the landscape character and ecological connectivity, additional native species landscaping and planting should be required on the site. Should permission be granted, I recommend a condition to require details in relation to same to be agreed with the P.A.. I also recommend a condition to require an occupancy clause in line with rural housing policy.
- 7.3.11. Based on the above and below assessments, I consider that the criteria under Objective RHO 4 have been met based on the documentation submitted. I therefore do not consider that there is a justification for refusing permission in relation to this objective of the CDP.
- 7.3.12. In relation to potential impacts on residential amenities in the vicinity, I note that separation distances would be acceptable with a 25.5m separation noted between the dwelling and the side boundary with the closest adjacent dwelling. Noting this and the scale and design of the dwelling, I do not consider that it would give rise to undue negative impacts by way of overbearing, overlooking or overshadowing in its vicinity. For the reasons outlined above in my assessment, I note no significant issues in terms of visual amenity other than in relation to the stables which I consider to be excessively scaled and out of character with the site and the surroundings.

#### **7.4. Other Matters**

- 7.4.1. I note that the site access would be to the south-east side from a laneway over which there is a right of way shown on the drawings submitted. This access currently serves a pumping station such that I consider it to be extremely lightly trafficked. In this context and noting the availability of sightlines for the full length of the laneway in both directions, I consider that the proposed access would not give rise to any significant safety concerns. I note that the laneway would meet the public road a

short distance to the south where there is an existing entrance with adequate visibility on to the public road, and noting this I note no significant traffic safety issues.

7.4.2. In relation to the proposed stables, should permission be granted I recommend I standard condition in relation to the disposal of agricultural waste and a condition to specifically disallow its use for human habitation or commercial/industrial purposes given the residential setting.

7.4.3. I note that the Council's Environment (Flooding) section requested that a Site Specific Flood Risk Assessment be provided by way of further information. It noted that the site is located within an area identified on the OPW flood risk maps as "*coastal indicative 200 year event and coastal extreme event*". Having reviewed these maps I note that only an area within the vicinity of the foreshore is located within this flood risk zone with the majority of the site is located outside it and no development is proposed within the flood zone. I have also reviewed the Strategic Flood Risk assessment for the LAP which confirms this. On this basis, I do not consider that an SSFRA is necessary and in my opinion no significant flood risk issues arise.

7.4.4. In relation to surface water drainage, should permission be granted I recommend a standard SUDS condition to ensure this is catered for on the site and I have no concerns in relation to same.

7.4.5. I note the submitted archaeological report, following pre-development testing, found nothing of archaeological significance and recommended no further testing. I have no significant concerns in relation to this matter.

7.4.6. Other conditions – Should permission be granted, I recommend the inclusion of conditions requiring the undergrounding of cables, standard construction management conditions, a condition to ensure connection to the foul network for waste disposal and a condition for the payment of contribution in line with the contribution scheme.

## **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. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening (see Appendix 3), I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex SAC European Site in view of the site conservation objectives. Appropriate Assessment is required.

9.2. This determination is based on:

- The hydrological and ecological links to the site.
- The potential for the deterioration of water quality in the SAC from emissions of pollutants from the site during construction.
- The potential for disturbance/displacement of mobile species such as otter from movement, noise and vibration during construction works.

9.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Clew Bay Complex SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

### Appropriate Assessment

9.4. Following an examination, analysis and evaluation of the NIS submitted (see Appendix 4), I consider that adverse effects on site integrity of the Clew Bay Complex SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- The measures proposed to ensure no impacts on water quality in the SAC.
- The measures proposed to ensure no impacts on otter in the vicinity of the site.
- The proposed development will not affect the attainment of conservation objectives for the mudflats and sandflats not covered by seawater at low tide, the large shallow inlets and bays and for the Lutra lutra (Otter).
- The effectiveness of mitigation measures proposed.
- The application of a planning condition to ensure best practice construction standards are applied.

## **10.0 Water Framework Directive**

10.1. An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including in relation to drainage matters.

10.2. Should permission be granted, appropriate surface water management measures can be conditioned, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. These measures would ensure that there would be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through the mitigation measures outlined in the submitted NIS which can be conditioned and via best practice construction management which can be conditioned should permission be granted.

10.3. The proposed development would not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

## **11.0 Recommendation**

11.1. I recommend that permission be granted for the reason stated below.

## 12.0 Reasons and Considerations

Having regard to the policies and provisions of the Mayo County Development Plan 2022 – 2028, the Westport Local Area Plan 2024-2030, the conservation objectives, qualifying interests and special conservation interests for the Clew Bay Complex SAC (site code 001482) and the Natura Impact Statement submitted, the location on lands zoned for agricultural purposes and the documentation submitted by the applicant in relation to his particular circumstances, the quasi urban pattern of development in the vicinity, to the nature and scale of the development and its relationship with surrounding residential property, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not negatively impact on the integrity of the Clew Bay Complex SAC in view of the site conservation objectives and would be acceptable in terms of design, visual impact, landscape, pollution and ecological impact, traffic safety and impact on privacy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

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

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The proposed development shall be amended as follows:

The stables building shall be omitted in its entirety.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

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

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

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

5. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
  - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
  - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

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

Reason: In the interest of residential and visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and amenity.

8. Drainage arrangements including for the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.  
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system or soakpits.

Reason: In the interest of public health.

10. Prior to the commencement of development the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and/or wastewater collection network.

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

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, site screening, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and residential amenities.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Ciarán Daly

Planning Inspector

13<sup>th</sup> May 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500738-MO-26
<b>Proposed Development Summary</b>	Construction of a private dwelling house with garage, stables and all site works. The application is accompanied by a Natura Impact Statement (NIS).
<b>Development Address</b>	Rosbeg, Westport, Co. Mayo.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<p><b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b></p>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	<p><b>State the Class here</b></p>
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><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. <b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	<p><b>State the Class and state the relevant threshold</b> Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.</p>

<p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

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

## Appendix 2: Form 2 – EIA Preliminary Examination

<b>Case Reference</b>	PL-500738-MO-26
<b>Proposed Development Summary</b>	Construction of a private dwelling house with garage, stables and all site works. The application is accompanied by a Natura Impact Statement (NIS).
<b>Development Address</b>	Rosbeg, Westport, Co. Mayo.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  One dwelling and garage of floor area 502sqm and stables of 102sqm on a site area of 1.13ha. The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident

	<p>and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The development is situated in a rural area with a number of one-off houses in the vicinity on agricultural land which is abundant in the wider area. There are no sites of historic, cultural or archaeological significance in the vicinity. The site is part of and adjacent to a coastal inlet which is part of Clew Bay Complex SAC and PNHA, a European site.</p>
<p><b>Types and characteristics of potential impacts</b></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><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>Having regard to the modest nature of the proposed development, its location where no significant effects have been identified in the NIS on sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
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: Standard AA Screening Determination

### Test for likely significant effects

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Case Reference Number: PL-500738-MO-26</b>	
<b>Step 1: Description of the project and local site characteristics</b> Construction of a private dwelling house with garage, stables and all site works. The application is accompanied by a Natura Impact Statement (NIS).	
<b>Brief description of project</b>	<ul style="list-style-type: none"> <li>• Construction of a two storey dwelling house with two forward and rear projecting gables either side of the central area with main pitched roof and ground floor side element with gable end facing front and rear, pitched roof garage joined to front of dwelling with archway separating at ground floor level.</li> <li>• Separate detached stables building with pitched roof and central through archway with overhead gable element facing to the front and rear and with front and rear stable and both sides of the central archway.</li> <li>• Connection to public services.</li> <li>• The application includes a Natura Impact Statement.</li> </ul>
<b>Brief description of development site characteristics and</b>	One dwelling and garage of floor area 502sqm and stables of 102sqm on a site area of 1.13ha, duration of works potentially up to two years.

<b>potential impact mechanisms</b>	Site is part of and adjacent to the Clew Bay Complex SAC which it joins close to the foreshore of the coastal inlet at the back of the site.
<b>Screening report</b>	Y – as part of the Natura Impact Statement.
<b>Natura Impact Statement</b>	Y
<b>Relevant submissions</b>	None.

The NIS, including AA Screening, was prepared by Sarah Jorgensen MSc ACIEEM, Principal Ecologist, Applied Ecology Ireland.

### Step 2. Identification of relevant European sites using the Source-pathway-receptor model

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Clew Bay Complex SAC (site code 001482)	(Conservation Objectives, dated 19th July 2011, NPWS).  Mudflats and sandflats not	Part of and adjacent to in vicinity of foreshore at back of site	Yes, water based and via potential disturbance of otter but not harbour seal which, per NPWS data, are located a significant	Y

	<p>covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>		<p>distance from the subject site.</p>	
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	<p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
Brackloon Woods SAC and PNHA (site code 000471)	<p>(Conservation Objectives, dated 19<sup>th</sup> March 2021, NPWS)</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	c.4.1km	No connection	N
<p><sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report</p> <p><sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p><sup>3</sup> if no connections: N</p>				

**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><b>Site 1: Clew Bay Complex SAC (site code 001482)</b></p> <p><u>QI list</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p>	<p><b>Direct:</b></p> <p>None – no development in area of site which overlaps with SAC area.</p> <p><b>Indirect</b></p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sediment and construction related pollution.</p> <p>Movement, noise and vibration during construction could effect otter foraging in the vicinity through disturbance and/or displacement.</p>	<p>Disturbance/displacement, Changes to habitat quality/ function Habitat loss/ modification.</p> <p>Negative effect on habitat quality/water quality function and prey availability/ undermine conservation objectives related to water quality.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>

<p>Annual vegetation of drift lines [1210]</p>		
<p>Perennial vegetation of stony banks [1220]</p>		
<p>Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1330]</p>		
<p>Embryonic shifting dunes [2110]</p>		
<p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p>		
<p>Machairs (* in Ireland) [21A0]</p>		
<p>Old sessile oak woods</p>		

<p>with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		
	<p><b>Likelihood of significant effects from proposed development (alone):</b></p> <p>Y</p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>	
<p><b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on Clew Bay Complex SAC from effects associated with deterioration in water quality and disturbance/displacement of mobile species.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		

**Proceed to AA.**

### **Screening Determination**

#### **Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Clew Bay Complex SAC European Site in view of the site conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The hydrological and ecological links to the site.
- The potential for the deterioration of water quality in the SAC from emissions of pollutants from the site during construction.
- The potential for disturbance/displacement of mobile species such as otter from movement, noise and vibration during construction works.

## Appendix 4

### Standard AA Template and AA Determination

#### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000(as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a dwelling with garage, stables and associated works in view of the relevant conservation objectives of the Clew Bay Complex SAC based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Sarah Jorgensen MSc ACIEEM, Principal Ecologist, Applied Ecology Ireland.
- National Parks and Wildlife Service data.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

#### Submissions/observations

None.

**NAME OF SAC/ SPA (SITE CODE): Clew Bay Complex SAC (site code 001482)**

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction and operation)
- Disturbance of mobile species

See pages 22 - 25 and Table 5.3.

I note that a field survey was undertaken on the 27th March 2025 which included a site walkover and observation of the presence of mobile species in the vicinity of the site. This ruled out the presence of invasive species.

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>Maintain/restore favourable conservation condition</p> <p>Mudflats and sandflats not covered by seawater at low tide: <u>Attributes</u> – <u>Targets</u></p> <p>Habitat area – permanent area is stable or increasing, community distribution – Intertidal sandy mud with Tubificoides benedii and Pygospio elegans community complex; Sandy mud with polychaetes and bivalves community complex; and Fine sand dominated by Nephtys cirrosa community should all be maintained in natural condition.</p> <p><u>Large shallow inlets and bays: Attributes</u> – <u>Targets</u></p>	<p>Risk to aquatic habitats from pollution emissions including silt, hydrocarbons given the close proximity.</p> <p>Risk to aquatic habitats from pollution emissions</p>	<p>NIS SECTION 6.6</p> <p>Best practice pollution control measures including, inter alia, no works permitted outside the fenced off demarcated area, storage of all construction material within bunded areas or dedicated bunded containers away from water bodies, spill kits and hydrocarbon absorbent packs, excess excavated material to be removed off site by licensed waste handler and disposed of in licensed facility.</p> <p>Best practice pollution control measures including, inter alia, no works permitted</p>

	<p>Habitat area – including silt, permanent area is stable hydrocarbons or increasing, given the close community extent – proximity. maintain the natural extent of Zostera dominated and maerl dominated communities, shoot density – maintain the high quality of Zostera dominated community, community structure – maintain the high quality of maerl dominated communities, community distribution - Sandy mud with polychaetes and bivalves community complex; Fine sand dominated by Nephtys cirrosa community; Intertidal sandy mud with Tubificoides benedii and Pygospio elegans community complex; Shingle; and Reef should all be maintained in a natural condition.</p>	<p>Potential for disturbance and/or displacement of foraging during construction from noise and movement. Risk to water quality from pollution emissions during construction</p>	<p>outside the fenced off demarcated area, storage of all construction material within bunded areas or dedicated bunded containers away from water bodies, spill kits and hydrocarbon absorbent packs, excess excavated material to be removed off site by licensed waste handler and disposed of in licensed facility.</p> <p>Measures include, inter alia: works to comply with the OPW Environmental Guidance Procedure EP20 Otter, ensure ecologist applies for a derogation licence from the NPWS if there is a requirement to interfere with or enter into the buffer zone. I note that a best practice construction</p>
	<p>Otter: Attributes – <u>Targets</u> Distribution – no significant decline, extent of terrestrial habitat – no significant decline, extent of marine habitat – no significant decline, extent of freshwater (river) habitat – no significant decline, extent of freshwater (lake/lagoon) habitat</p>		

	no significant decline, couching sites and holts – no significant decline, fish biomass available – no significant decline, barriers to connectivity – no significant increase.	stage including silt, hydrocarbons given the close proximity	standards condition can be applied which would ensure hoarding around the construction area.
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to water quality, maintenance of habitat and species on which mobile species feed and where no significant decline is a target of many of the attributes related to otter.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

**(i) Water quality degradation**

I agree with the NIS that water quality adjacent to the construction site could be adversely impacted by hydrocarbon spillages and release of sediment during construction from the construction area which could spread towards the waters of the SAC where it could pollute / degrade the water quality with impacts on habitats, species relied on by qualifying interests for feeding and on mobile species such as otter noted to be in this area.

**Mitigation measures and conditions**

In addition to the general mitigation measures listed, the NIS notes specific mitigation measures to prevent deterioration of water quality including, inter alia:

- Detailed monitoring regime to ensure measures are effectively employed during construction.
- A spillage response plan to be put in place by the contractor.
- All construction materials including oils, solvents and paints to be stored within bunded areas or dedicated bunded containers away from water bodies (min 50m) and on a hard surface.
- Spill kits and hydrocarbon absorbent packs must be available and drip trays to be used during refuelling.

The NIS notes in relation to the effectiveness of the mitigation measures that they have been devised in line with guidelines, inter alia, on the Water Framework Directive, UK Pollution Prevention Guidelines, in line with Inland Fisheries Ireland and the NRA guidelines on otter.

In relation to potential mitigation failures, it states that should discharge water from the proposed work area fail to be of a high quality (this is considered unlikely), then a filtration treatment system (such as a ‘silt buster’ or similar equivalent treatment) will be used to filter and treat all surface discharge water collected in a dirty water drainage system.

I consider the proposed mitigation measures in the NIS to be appropriate, robust and effective in relation to ensuring no adverse impacts arise on the qualifying interests of the SAC relating to water quality.

**(ii) Disturbance of mobile species**

The NIS notes no signs of otter activity were observed or recorded along the shoreline section close to the subject site. I agree with the NIS where it notes that otters are common throughout the SAC and that they would occur along the shoreline. The NIS noted the potential for noise, vibration and visual impacts that could cause potential disturbance and/or displacement of foraging otter and I agree with this.

**Mitigation measures and conditions**

In addition to the general mitigation measures listed, the NIS notes specific mitigation measures to prevent disturbance/displacement of otter including, inter alia:

- All works to comply with the OPW Environmental Guidance Procedure EP20 Otter.
- Ensure pre-construction ecological surveys in advance of the works.
- Should a holt be recorded, do not undertake works within a 150m buffer zone of the holt.
- Ensure that the ecologist applies for a derogation licence from the NPWS if there is a requirement to interfere with or enter into the buffer zone.
- The NIS notes in relation to the effectiveness of the mitigation measures that they have been devised in line with guidelines, inter alia, on the Water Framework Directive, UK Pollution Prevention Guidelines, in line with Inland Fisheries Ireland and the NRA guidelines on otter.

In relation to potential mitigation failures, it states that should discharge water from proposed work area fail to be of a high quality (this is considered unlikely), then a filtration treatment system (such as a 'silt buster' or similar equivalent treatment) will be used to filter and treat all surface discharge water collected in a dirty water drainage system.

In addition to the outlined mitigation measures, I consider that a specific condition should be applied, should permission be granted, to require best practice construction measures be applied as this would include the screening of the site by construction hoarding which would mitigate visual and noise impacts. It could be considered that these are standard measures for this type of development such that they are not considered to be mitigation measures in this instance.

I consider the proposed mitigation measures together with a condition in relation to require best practice construction measures, in the NIS to be appropriate, robust and effective in relation to ensuring no adverse impacts arise on the qualifying interests of the SAC relating to otter.

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily together with the application of standard best practice construction measures that no significant residual effects will

remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European site considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and hydrocarbons and to prevent disturbance of otter. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of the Clew Bay Complex SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Clew Bay Complex SAC in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS submitted, I consider that adverse effects on site integrity of the Clew Bay Complex SAC can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The measures proposed to ensure no impacts on water quality in the SAC.
- The measures proposed to ensure no impacts on otter in the vicinity of the site.
- The proposed development will not affect the attainment of conservation objectives for the mudflats and sandflats not covered by seawater at low tide, the large shallow inlets and bays and for the Lutra lutra (Otter).
- The effectiveness of mitigation measures proposed.
- Application of a planning condition to ensure best practice construction standards are applied.