Inspector's Report
PL-501563-MO-26

Development	Construct dwelling house and domestic garage with connection to effluent treatment system services together with associated site services.
Location	Westport Demesne, Carrowholly, Westport, County Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2665.
Applicant(s)	Richard Gill and Claire O'Hanlon.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party Normal Planning Appeal.
Appellant(s)	Richard Gill and Claire O'Hanlon.
Observer(s)	None
Date of Site Inspection	21st August 2026
Inspector	C. Daly.

1.0 Site Location and Description

1.1. The subject site, of area 1.27ha, consists of a grass field to the rear of an existing one-off rural dwelling and there is a pitched roof shed to the west/front end of the site close to the rear of the adjacent dwelling site. There is a mobile home to the side of the shed and a long shipping container to its front. This is connected to the public road by a gravel driveway which is through a narrow strip of the land adjacent to the side of the dwelling to the west.

1.2. The area to the side and rear of the shed slopes somewhat downhill to the south. The remainder of the site to the rear turns 90 degrees and starts to slope somewhat uphill towards the north where there is a small hill adjacent to the north. There is a farm track that runs from the rear of the shed adjacent to the northern boundary towards the right-angle turn in the field and which then runs north adjacent to the western site boundary. To the rear of this area there is a modest size linear hole of limited depth which was partially filled with water on the date of my site visit.

1.3. The rural site is c.3.3km west of the urban edge of Westport and Westport Golf Club is c.60m to the north-east. The subject site is c.45m to the north-east of Bawn Strand which is at the end of a coastal inlet.

2.0 Proposed Development

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

- The construction of a dwelling house (146sqm) with pitched roof and perpendicular gable element with pitched roof and domestic garage (28sqm) with pitched roof to the rear.
- Connection of effluent treatment system.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Mayo County Council decided to refuse permission for one stated reason which related to an unacceptable risk from coastal waters in the immediate area which

would be contrary to Objective NEO 33 of the Development Plan. It considered there would be an unacceptable risk to the residential amenity and safety of future residents which would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report assessment noted the site location which is classified in the CDP as a 'Rural Area under Strong Urban Influence' where a housing need must be demonstrated. It noted the applicant's farm land holding which it considered sufficient to demonstrate a housing need in accordance with Objective RHO 1. It recommended an occupancy clause if permission is granted. It considered that Objective RHO 4 did not apply due to the site distance from the coast.

3.2.2. It noted the design and position of the proposed dwelling and considered the length of driveway to be excessive. It noted that Uisce Éireann required further information in relation to the proposed connection to the water network. It noted the absence of sightlines on the plans for the new entrance. In relation to wastewater treatment, it noted the trial hole was not available for inspection.

3.2.3. It noted the location within flood zones A and B and that a similar application on the site was refused permission (reg. ref. 24/292). It noted the submitted FRA and that it was not clear how the assessor came to the conclusion that the site is suitable for development. It noted that the Council's Flood Risk Management section consider the site unsuitable for development of a highly vulnerable use such as residential and recommended refusing permission.

3.2.4. It considered that the proposed development would be contrary to Objective NEO 33 as the site is not appropriate for residential development and it recommended that permission be refused.

3.2.5. Other Technical Reports

- Environment Section: Noted the location within flood zones A and B, that the house and access would be within a coastal flooding areas with both the 0.5% AEP and 0.1% AEP flood events. It considered the site to be unsuitable for development of a highly vulnerable residential use. It recommended permission be refused due to flood risk.

3.3. Prescribed Bodies

- Uisce Éireann: Further information in the form of a pre-connection enquiry is required.
- An Taisce: No response received.

3.4. Third Party Observations

None.

4.0 Planning History

24/292: Permission refused by the P.A. to construct dwelling house and domestic garage with connection to effluent treatment system.

Reasons for refusal: (1) Failure to demonstrate that the site is suitable due to the coastal flood risk on the site. This is contrary to Objective NEO 33 of the CDP. (2) Failure to demonstrate compliance with Part 7.0 (Roads and Parking) as the access would not cater safely for the vehicular traffic generated, it would endanger public safety by reason of a traffic hazard.

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.*

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 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 7 – Infrastructure

Objective INO 8 *To require development in unsewered areas which includes a septic tank/proprietary effluent treatment unit and percolation area to be rigorously assessed in accordance with the accepted EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses or the EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, taking into account the cumulative effects of existing and proposed developments in the area.*

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*".

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.*

Objective NEO 33 *To ensure any new development within areas liable to coastal flooding are assessed and developed in accordance with the Flood Risk Management Guidelines for Planning Authorities (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) (as updated).*

Volume 2

Section 2.10 Effluent Treatment Systems

In un-serviced rural areas where a proposed dwelling cannot connect to the public wastewater treatment plant, a site suitability assessment will be required. The assessment must be carried out in accordance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses and take into account the cumulative effects of existing and proposed developments in the area. The assessment shall be carried out and certified by a suitably qualified person (i.e. the holder of an EPA FETAC certificate or equivalent) with professional indemnity insurance.

In coastal/lakeside areas, any effluent disposal system or percolation area for single dwellings shall be located at least 100m from the High-Water of the sea/lake and 100m from any lands liable to flooding along the sea / lake…

Section 2.11 Water Supply

The water requirements for proposed new single houses to a public supply should as the need may require, undertake a pre-connection enquiry with Irish Water…

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 4 relates to access visibility requirements. I note that on local roads where the speed limit is 60kph the sightline required is 90m from a 3m setback.

Section 8.3 Flooding Risk Assessment

Some lands are liable to flooding or development proposals may give rise to flooding in other areas. In such cases a Site Specific Flood Risk Assessment may, as appropriate be required. Flood Risk Assessments shall be carried out by suitably qualified persons and set out in accordance with the requirements of Mayo County Council.

A Flood Risk Assessment shall:

• *Assess existing flood risk in terms of likelihood of flooding and resultant consequences.*

• *Consider the impact of the development on flood risk elsewhere.*

• *Assess the potential post-development risk, having regard to the design of mitigation and compensation measures.*

• *Be transparent and follow the Justification Test noted in "The System and Flood Risk Management Guidelines" DoECLG 2009.*

Section 8.4 Effluent Treatment Systems

The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals i.e. the EPA Wastewater Treatment Manuals-Treatment Systems for Single Houses (2009) and the EPA Wastewater Treatment Manuals- Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (including any updated or superseding document or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals).

5.2. Relevant National Policy / Ministerial Guidelines

Relevant national guidelines and policies include:

- Sustainable Rural Housing Guidelines for Planning Authorities (2005).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- EPA Code of Practice for Domestic Wastewater Treatment and Disposal Systems (P.E. less than or equal to 10) (2021)

5.3. Natural Heritage Designations

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

- c.50m north-east of the Clew Bay Complex SAC and PNHA (site code 001482).
- c.2.3km south-west of Coolbarreen Lough PNHA (site code 000481)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal can be summarised as follows:

- The refusal reason was addressed by the submitted Flood Risk Assessment and EPA site characterisation form submitted to the Council.
- The applicant lives in a mobile home on the site which is a live working farm and the family home is 80m from the site where the applicant's sister lives.

- When the local road floods it is during an extreme spring tide with strong westerly winds but the road is still passable and the flood event lasts for less than one hour and it is extremely unlikely that the property will ever suffer from a flood event.
- The applicant is happy to comply with a condition screening the site.
- The Commission should grant permission.
- Attachments include a list of recent permissions granted, the agent cover letter, appeal form, Flood Risk Assessment, copy of the refusal to grant permission and appeal fee.

6.2. **Planning Authority Response**

None received.

7.0 Assessment

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

- Principle of Development
- Design
- Flood Risk
- Wastewater Treatment
- Access
- Drainage and Water Supply
- Other Matters

7.2. **Principle of Development**

7.2.1. The proposed development for a one-off rural dwelling in a rural area under strong urban influence is required to meet the requirements of the rural housing policy including Objective RHO 1 of the CDP. I note that the applicants have effectively asserted that they meet the requirement under the category of "*farmers, their sons and daughters…or any persons taking over the running of a farm in the area in which they propose to live*". I note that the P.A. found compliance with the housing need policy noting the applicant's farm land holding which it considered sufficient to demonstrate a housing need.

7.2.2. I note the application form, the land ownership maps submitted with the application and the cover letter which states he owns and runs the family farms and that these are the only lands in the applicant's ownership. On this basis, I concur with the P.A. that the applicants have demonstrated a housing need in accordance with Objective RHO 1 of the CDP.

7.2.3. However, in relation to the applicability of Objective RHO 4 I do not concur with the P.A. that the site is not within Mayo's coastal areas as it is c.45m to the north-east of Bawn Strand although I acknowledge it is across the road from this. Therefore the applicants are required to demonstrate a long-standing social link and 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.

7.2.4. I note that the social link to the area has effectively been demonstrated through the agricultural link and noting the location adjacent to the family home. In relation to the other 4 criteria, noting my design assessment below, I consider that the proposed dwelling would not impinge significantly on the character, integrity and distinctiveness of the area and that it meets a high standard of siting and design.

Given the agricultural land holding and work of the applicant, I consider that it is reasonable that it cannot be considered at an alternative location.

7.2.5. However, I note the failure to satisfy criteria in relation to servicing (water supply), public safety (access) and environmental considerations (flooding and potential impact on local receiving waters including on designated sites) as assessed further below in this report. Therefore, I consider that the applicant has not demonstrated compliance with Objective RHO 4 of the CDP such that I do not consider the development to be acceptable in principle such that refusal of permission may be merited. I note this would be a new issue and the Commission may wish to consider the views of the parties prior to a determination of this issue.

7.3. **Design**

7.3.1. I note the proposed location of the new dwelling 75.12m to the rear of the existing dwelling to the west and c.142m back from the public road where visibility of the dwelling would be limited by the existing dwelling to the west. I note the dwellings in the vicinity to the south which would also limit visibility of the dwelling from that direction. I note the fields to the north including trees and the hill to the north / north-west. I consider that the dwelling would be appropriately sited to minimise its visual impact on the area.

7.3.2. I note the proposed eaves height of 2.993m and ridge height of 5.668m for the 146sqm three bedroom dwelling which at its widest would be c.22.8m. I note that this would be broken up by the perpendicular projection with stone finish and by the windows with appropriate vertical emphasis. I consider that this would accord with Objective RHO 5 in relation to rural house design and with Section 3.4.12 (layout and design) with required minimum floor areas substantially exceeded.

7.3.3. Noting this and the single storey type of residence, I do not consider that the dwelling would be of excessive scale for the rural site. In my opinion, it would reasonably integrate with the site and surroundings and would not be significantly out of character. I note that minimum separation distances would be substantially exceeded in relation to residences in the vicinity and I have no significant concerns in relation to impacts on residential amenities in the area.

7.3.4. I note the location within a coastal area and within landscape Policy Area 2 and based on the above assessment, I am satisfied that the proposed dwelling would not

result in an adverse impact on the landscape character of the area. I note that the proposed garage would be modest in scale and would be to the rear of the dwelling and I have no significant concerns in this regard.

7.3.5. I note the P.A. noted a concern in relation to the length of the proposed driveway. In the context of the site size and its limited potential visibility, I am satisfied that it would not be out of place and that it would not give rise to any significant negative impacts on the site and on the wider landscape.

7.4. **Flood Risk**

7.4.1. I note the appeal substantially relates to the flood risk reason for refusal and that the appellant states that the FRA demonstrated no issues in this regard. Per the OPW flood risk maps, I note the site location within the coastal flood risk medium and low probability areas. I note the Flood Risk Assessment submitted with the application prepared by Sitecheck. The author is noted to be Siobhán Sheil, MSc (Env. Sc.); H Dip (Env. Mgt.); MMO; PSO; Certified EPA Site Assessor and Certified Dept. Ag. FETAC farm waste storage site advisor.

7.4.2. The submitted FRA states that the location of the proposed house is not within the coastal flood zone but that portions of the site and access route may become flooded during future extreme high tide events but will be passable except for a high tide (a few hours twice a day). It concludes on this basis that the proposed development meets the Flood Risk Management Guidelines requirements. It states that the location and proposed ground levels will not exacerbate the existing flood risks and that there is therefore no requirement for further assessment.

7.4.3. I note the FRA includes an extract from an OPW Site Assessment titled 'Western CFRAM' of Westport Bay. In relation to its site visit findings this states that "*the majority of the flood receptors are isolated residential properties and the site itself extends to cover much of the Westport Bay area. No strong evidence of historical property flooding was found as part of the flood risk review, which suggests the tidal flood extents, which show a large number of properties at risk in the 10% AEP flood extent, are overestimating flood risk in this area. The most vulnerable receipt is Rusheen school, which is located in the 0.1% AEP outline and has never flooded*".

7.4.4. The site assessment then states "*the lack of evidence of historical property flooding at Westport Bay suggests that the existing tidal outlines are overly conservative and*

in fact flood risk to many of the properties is an event closer to the 1% AEP event is more realistic". I note that this report extract is undated and is non-specific in relation to the area of the subject site. I note also the OPW past flood event mapping from 2024 in the FRA which shows no past flood events in the vicinity of the subject site.

7.4.5. I have reviewed the Strategic Flood Risk Assessment contained within the CDP. In relation to Westport this notes recommendations for a flood relief scheme relating to the Carrowbeg river which is not relevant to this case. For development management purposes it also notes the role for an FRA and Justification Test consistent with the guidelines. Section 7.3.2 relates to highly vulnerable development in flood zones A and B. In relation to new development it states "*It is not appropriate for new, highly vulnerable, development to be located in Flood Zones A or B outside the core of a settlement. Such proposals do not pass the Justification Test for Development Plans. Instead, a less vulnerable or water compatible use should be considered*".

7.4.6. Having reviewed the submitted FRA and the currently available OPW flood risk maps, I agree with the conclusion of the Council's Environment Section that the site is located within flood zones A and B where the coastal risk of flooding is high. I concur that it is not clear how the FRA can reasonably conclude that the site is acceptable for the proposed development. I am not satisfied that the information presented in the FRA deals adequately with the fact that the OPW notes the site is affected by coastal flooding during both the 0.5% AEP and the 0.1% AEP flood events. I consider the failure to address this issue to be significant as there would be a significant risk of coastal flooding where the proposed residence and access would be located.

7.4.7. I note residential development is considered to a highly vulnerable type of development where a justification test is required in flood zones A and B in line with the Flood Risk Management Guidelines. I note the FRA includes no justification test and has not presented a justification in relation to the following relevant criteria.

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*

2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*

   (i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

   (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

   (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and

   (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

7.4.8. I note the onus is on the applicant to demonstrate compliance with the above justification test criteria per Section 8.3 of Volume 2 of the CDP and Objective NEO 33. I note that the FRA states that flood risk would not be increased elsewhere. I note this is in its stated context of there being no flood risk on the subject site but that it fails to demonstrate how flood risk elsewhere would not be increased.

7.4.9. I note the cover letter with the application that states that the floor level of the proposed dwelling would be c.1.5m higher than that of the adjacent dwelling although this is contradicted by the statement that the family home has a floor level 1.2m lower than the proposed house. It also states that the new access would be raised to accommodate the 1 in 10 and 1 in 100 year coastal flooding event.

7.4.10. I note an absence of section drawings in relation to site levels although the Site Layout Plan states the dwelling at FFL 11.5m (presumably AOD) and the adjacent family home at FFL 10.288m. I note that this information has not been incorporated into the FRA to demonstrate whether or not this would exceed the relevant flood levels including an allowance for potential climate impacts.

7.4.11. I also note that Section 7.3.2 of the SFRA of the CDP (Volume 5) states that residential development should not be located in flood zones A and B regardless of the submission of a justification test. Overall, I consider that the P.A. refusal reason is reasonable and justified in this case. I concur that the site is unsuitable for highly vulnerable development such as residential use and that it would result in an unacceptable level of flood risk from coastal waters in the immediate area.

7.4.12. This would be contrary to the Flood Risk Management Guidelines and to Objective NEO 33 of the CDP. In my opinion it would therefore result in an unacceptable risk to the residential amenity, health and safety of future residents and I recommend that permission be refused on this basis.

7.5. **Wastewater Treatment**

7.5.1. I note the appeal references the site characterisation form. I note that the proposed development includes an on-site wastewater treatment system which would be located towards the north-east corner of the site. I note the submitted Site Characterisation Form. It notes the aquifer vulnerability to be moderate. It notes that the area selected for discharge is over 15m above the high water mark providing sufficient freeboard.

7.5.2. I note the 2.4m trial hole depth with the water table not encountered and the rock type stated to be limestone. The soil conditions are noted to be sand with silt above gravel, cobbles and boulders. The groundwater protection response is noted to be R1. The subsurface percolation test result is noted to be 22. On this basis, the report recommends a secondary treatment system and soil polishing filter.

7.5.3. I note that the EPA Code of Practice for Domestic Wastewater Treatment and Disposal Systems (P.E. less than or equal to 10) (2021) is relevant per Objective INO 8 (Volume 1) and Section 2.10 (Volume 2) of the CDP. I note that the depth of unsaturated soil that would be available, stated to be 1.2m, would be consistent with the groundwater protection response and with Table 6.3 of the EPA Code of Practice. I note that the minimum separation distances required in the code would be met. In relation to percolation values, the sub surface value of 22 found would be consistent with the proposed secondary treatment system and percolation area per Table 6.4 of the EPA Code of Practice.

7.5.4. However, I note that Section 2.10 (Effluent treatment systems) of Volume 2 of the CDP states that "*any effluent disposal system or percolation area for single dwellings shall be located at least 100m from the High-Water of the sea/lake and 100m from any lands liable to flooding along the sea / lake*". I consider that the subject lands are liable to flooding given the location within flood zones A and B and therefore that the proposed development is contrary to this section of the CDP. I note also in a flood event where the site became flooded this may result in the failure of the treatment system and the release of untreated wastewater on to the site.

7.5.5. I note that this would be a new issue and the Commission may wish to seek the views of the parties before coming to a final determination on the matter. I note that this significant flood risk issue has potential implications for Appropriate Assessment and WFD assessment which are dealt with separately below in this report.

7.6. **Access**

7.6.1. I note that the cover letter states that the access has been relocated south to achieve maximum visibility at the entrance. I note the proposed site access adjacent to the existing agricultural gate on to the local public road where the speed limit is 60kph. I note that on local roads where the speed limit is 60kph the sightline required is 90m from a 3m setback.

7.6.2. I note that this has not been demonstrated to be possible without the use of adjacent lands to the north and south per the submitted site layout plan. Accordingly, I consider this to be contrary to Section 7.6 (Access Visibility Requirements) of Volume 2 of the CDP. I note this is a new issue and the Commission may wish to seek the views of the parties on this matter.

7.7. **Drainage and Water Supply**

7.7.1. I note the submitted storm water management report prepared by Gaven Joyce, Engineer. This notes that all drainage shall be treated on the site. There would be a permeable driveway surface and surface water from roofs would be piped to a soakaway. This includes storage volume calculations which inform the size of the proposed soakaway. Should permission be granted I recommend a standard SUDS condition requiring final details to be agreed with the P.A..

7.7.2. In relation to the water supply, I note that it is proposed to connect to the public mains but that no pre-connection query has been submitted with Uisce Éireann. In the absence of same, in my opinion it cannot be concluded that a safe water supply would be available for the dwelling and this would be contrary to Section 2.11 (Water supply) of the CDP. I note this is a new issue and the Commission may wish to seek the views of the parties on this matter.

7.8. **Other Matters**

7.8.1. I note that the appeal cited a number of grants of permission that it states would justify a grant of permission in this case. In relation to reg. refs. 24458 (residential extension), 26368 (new dwelling), 2460777 (new dwelling) and 2560582 (new dwelling) that these sites are not within flood zones A and B.

7.8.2. In relation to reg. ref. 24494 (new car parking), located within flood zones A and B, I note that this was not classified as a type of development vulnerable to flooding and it can be permitted under the Flood Risk Management Guidelines. I note the reg. ref. quoted may be a typo by the appellant as they describe this as permission for a private dwelling in the appeal.

7.8.3. Noting these cases, and that the particular circumstances of this appeal are significantly different, I do not consider that the appellant has advanced a planning justification that alters my above assessment.

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 (site code 001482) European Site in view of the site conservation objectives. Appropriate Assessment is required. This determination is based on:

- The potential release of untreated wastewater during a coastal flood event on the site and that this could potentially undermine the conservation objectives related to water quality of the SAC.

9.2. I consider this to be a significant new issue and the Commission may wish to consider the views of the parties on this matter.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive (see Appendix 4), together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal could result in a risk of deterioration in the status of a water body, including surface waters (rivers), groundwater, transitional waters, and coastal waters.

10.2. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. While the proposed development has been designed in accordance with parts of the EPA Code of Practice it is located within flood zones A and B were a flood event could result in the failure of the on-site wastewater treatment system and the release of untreated wastewater. This would fail to ensure that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water, groundwater and other receptors.

10.3. Furthermore, the development could adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good

Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the proposed development is not considered to be compliant with the requirements of Article 4. I note this is a new issue and the Commission may wish to seek the views of the parties.

11.0 Recommendation

11.1. I have noted new issues in my assessment in relation to compliance with rural housing policy in coastal areas, access, water supply, wastewater treatment, Appropriate Assessment and the Water Framework Directive related to flood risk. I have otherwise noted a significant flood risk issue such that I recommend permission be refused in relation to this matter.

12.0 Reasons and Considerations

Having regard to the Mayo County Development Plan 2022-2028, the planning history of the site, the location of the site in an area at risk of flooding and to the nature of the proposed development there would be at an unacceptable level of risk from coastal water flooding in the immediate area and this is contrary to Objective NEO 33 of the Development Plan where it seeks to ensure that new developments in areas liable to flooding are assessed and developed in accordance with the Flood Risk Management Guidelines for Planning Authorities (2009). The proposed development would therefore result in an unacceptable risk to the residential amenity, health and safety of future residents and would be contrary to the proper planning and sustainable development of the area.

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

Ciarán Daly
Planning Inspector

4th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501563-MO-26
Proposed Development Summary	Construct dwelling house and domestic garage with connection to effluent treatment system services together with associated site services.
Development Address	Westport Demesne, Carrowholly, Westport, County Mayo.
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2. ☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to**	**State the Class here**

be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold** Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501563-MO-26
Proposed Development Summary	Construct dwelling house and domestic garage with connection to effluent treatment system services together with associated site services.
Development Address	Westport Demesne, Carrowholly, Westport, County Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	**Briefly comment on the key characteristics of the development, having regard to the criteria listed.** One dwelling (146sqm) and garage (28sqm). 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 and/or disaster, or is vulnerable to climate change.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,	**Briefly comment on the location of the development, having regard to the criteria listed** The development is situated in a rural area on agricultural land which is abundant in the area. The development is on a site at risk of coastal flooding and

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).	is c.50m north-east of the Clew Bay Complex SAC and PNHA (site code 001482). It is removed from centres of population.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	**Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.** Having regard to the modest nature of the proposed development, 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.
Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of	**EIA is not required.**

significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501563-MO-26	
Step 1: Description of the project and local site characteristics Construct dwelling house and domestic garage with connection to effluent treatment system services together with associated site services. The rural site is consists of a grass agricultural field which is c.45m to the north-east of Bawn Strand which is at the end of a coastal inlet.	
Brief description of project	The construction of a dwelling house (146sqm) with pitched roof and perpendicular gable element with pitched roof and domestic garage (28sqm) with pitched roof to the rear. Connection of effluent treatment system.
Brief description of development site characteristics and potential impact mechanisms	The subject site, of area 1.27ha, consists of a grass field to the rear of an existing one-off rural dwelling and there is an open drain running along the southern site boundary which leads towards Bawn Strand.
Screening report	Y – AA of Protected Sites Screening Report prepared by Sitecheck, author Siobhán Sheil, MSc (Env. Sc.); H Dip (Env. Mgt.); MMO; PSO; Certified EPA Site Assessor and Certified Dept. Ag. FETAC farm waste storage site advisor.

Natura Impact Statement	N
Relevant submissions	None.
To note, the NPWS Conservation Objectives are dated 14th August 2026 which is after the date of the submission of the AA Screening Report.	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
Clew Bay Complex SAC (site code 001482).	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210]	c.50m to the south-west	Potential connection via boundary drain on site through water channels leading to the SAC.	**Y**

	Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] Conservation Objectives, NPWS, 14th August 2026.			

[1] Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

[2] Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

[3] if no connections: N

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**
Site 1: Clew Bay Complex SAC (site code 001482). QI list Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Annual vegetation of drift lines [1210]	**Direct:** N/A **Indirect** Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution. This can be dealt with by standard CEMP conditions that are not considered mitigation measures for the purpose of AA. Operational stage: Potential negative impacts (temporary) on surface water/water quality from release of untreated wastewater during a flood event.	Potential negative affect on habitat quality/ function and prey availability/ undermine conservation objectives related to water quality. Possibility of significant effects cannot be ruled out without further analysis and assessment.

Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]		

Conservation Objectives, NPWS, 14th August 2026.		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Further Commentary / discussion (only where necessary)		
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would result significant effects on Clew Bay Complex SAC (site code 001482). An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment of in-combination with other plans and projects is not required at screening stage. **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 (site code 001482) European Site in view of the site conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The potential release of untreated wastewater during a coastal flood event on the site and that this could potentially undermine the conservation objectives related to water quality of the SAC.

Appendix 4

Water Framework Directive

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501563-MO-26	**Townland, address**	Westport Demesne, Carrowholly, Westport, County Mayo.
Description of project		Construct dwelling house and domestic garage with connection to effluent treatment system services together with associated site services.	
Brief site description, relevant to WFD Screening,		The subject site, of area 1.27ha, consists of a grass field to the rear of an existing one-off rural dwelling and there is a southern boundary drain which leads towards Bawn Strand.	
Proposed surface water details		Standard SUDS measures including a soakpit.	
Proposed water supply source & available capacity		Public mains but no pre-connection letter submitted.	
Proposed wastewater treatment system & available capacity, other issues		On site wastewater secondary treatment system and soil polishing filter.	

Others?	The site is in Flood Zones A and B for coastal flooding.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**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) (Consider all phases)**	**Mitigation Measures proposed**	**Is mitigation sufficient? Will there be any residual impacts?**
River	Cloonkeen_010 (IE_WE_32C380790)	Good	Under review	Urban diffuse run-off, combined sewer overflows, quarry waste, agricultural run-off, waste facility, anthropogenic pressures.	Along southern site boundary	Standard SUDS measures can be conditioned. However site location within a flood zones A and B such that untreated wastewater could be emitted during and after a flood event due to failure of on site system.	Not sufficient – residual impacts possible as flood risk has not been addressed.
Groundwater	Newport (IE_WE_G_0023)	Good	Not at risk	N/A	Drainage to ground including from	Standard SUDS measures can	Not sufficient – residual impacts

					wastewater treatment system.	be conditioned. However site location within a flood zones A and B such that untreated wastewater could be emitted during and after a flood event due to failure of on site system.	possible as flood risk has not been addressed.
Transitional	Westport Bay (IE_WE_350_0100)	High	Not at risk	N/A	Via groundwater and Cloonkeen river water body which links to Bawn Strand c.45m to the south-west.	Standard SUDS measures can be conditioned. However site location within a flood zones A and B such that untreated wastewater could be emitted during and after a flood event due to failure of on site system.	Not sufficient – residual impacts possible as flood risk has not been addressed.
Coastal	Inner Clew Bay (IE_WE_350_0000)	Good	Not at risk	N/A	c.2.95km to the west via the transitional	Standard SUDS measures can	Not sufficient – residual impacts

					water body above	be conditioned. However site location within a flood zones A and B such that untreated wastewater could be emitted during and after a flood event due to failure of on site system.	possible as flood risk has not been addressed.