



An
Bord
Pleanála

Inspector's Report ABP-321652-25

Development	Construction of house and all associated site works.
Location	Devleash West, Ayle, Westport, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	24141
Applicant(s)	Leah Kelly.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Martin Costello.
Observer(s)	None.
Date of Site Inspection	13 March 2025.
Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History	5
5.0 Policy Context	6
5.1. Development Plan	6
5.2. Natural Heritage Designations	8
6.0 Environmental Impact Assessment (EIA) Screening	9
7.0 The Appeal	10
7.1. Grounds of Appeal	10
7.2. Applicant Response	11
7.3. Planning Authority Response	12
7.4. Observations	12
7.5. Further Responses	12
8.0 Assessment	13
9.0 Appropriate Assessment (AA) Screening	20
10.0 Recommendation	21
11.0 Reasons and Considerations	21
12.0 EIA Pre-Screening	24

13.0	EIA Preliminary Examination	27
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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area of County Mayo, 3km to the west of the settlement of Killavally, 9km east of the small village of Aghagower and 14km southeast of Westport. The area is characterised as upland farmland with very few dwelling houses in the vicinity. The agricultural land is poor quality grazing with large areas of rushes and some outcropping rock on higher ground. The site is positioned to the south of a single track rural road that ends at a farmyard a kilometre to the south west, the junction with the R330 is located 2km to the north east. There are a number of undulating hills in the area and the appeal site is located on the downslope side of the road. The Partry Mountains are located further south of the site and there are forestry plantations nearby.
- 1.2. The appeal site slopes downwards from the roadway with a drystone wall forming the western boundary and a wire fence and low wall to the roadside. The site comprises managed grassland of low quality. The site characterisation trial holes are located to the western side of the site and are enclosed by a stockproof fence. The trial holes were not covered over and the largest held standing water. There are no mature trees or hedgerows on the site, at the lower end of the overall agricultural field is a line of mature trees, a drainage ditch and a forestry plantation further south.

2.0 Proposed Development

- 2.1. The applicant proposes to construct a four bedroom, single storey dwellinghouse (total floor area 178 sqm) with a wastewater treatment system and connection to a group water scheme, all on a site area of 0.2875 Hectares.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a notification to grant permission, subject to seven conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report 1

- No AA or EIA issues.
- Further information required with regard to land ownership, housing need and water connection details.

Report 2

- The site is located in an area not under urban influence, further information received acceptable, grant permission.

3.2.2. Other Technical Reports

- None located on file.

3.2.3. Conditions

- All conditions are standard or technical in nature.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

- 3.4.1. A single observation, issues include, site notice, water services, traffic, wildlife and housing need.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. None.

5.0 Policy Context

5.1. Development Plan

Mayo County Development Plan 2022-2028

Section 1.3.1 The National Planning Framework (NPF)

The NPF is a high-level strategy that provides the sustainable framework to guide where development and investment occurs in Ireland up until 2040. The NPF is centred around ten national policy objectives called National Strategic Outcomes (NSOs). The preparation of the County Development Plan has been informed by these NSOs and related NPOs.

Section 1.10 Statement Outlining Compliance with Section 28 Guidelines

Sustainable Rural Housing Guidelines (2005) Chapter 3 (Housing) sets out the rural housing policies and objectives for County Mayo. These policies and objectives incorporate the recommendations of the guidelines.

Core Strategy Objectives - CSO 1 To secure the implementation of the population and housing growth household allocation set out in the Core Strategy and Settlement Strategy, in so far as practicable, by facilitating rural housing, while allowing for the accommodation of further residential growth in our designated settlements, subject to the availability of infrastructure and services.

Chapter 3: Housing Section 3.4.8 Rural Single Housing.

Rural Housing Policies RHP 4 To ensure that future housing in rural areas have regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG) or any amended or superseding guidelines

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.

RHP 8 To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site wastewater disposal, ensure provision of a safe means of access in relation to road and public safety, avoid flood risk and

ensure the conservation of sensitive areas such as natural habitats, ecological connectivity, the enjoyment of protected structures and other aspects of heritage.

RHO 2 In rural areas not classified as in Rural Areas under Strong Urban Influence, there is a presumption in favour of facilitating the provision of single housing in the countryside, based on siting and design criteria for rural housing in statutory guidelines and plans, except in the case of single houses seeking to locate along Mayo's Scenic Routes/ Scenic Routes with Scenic Views or Coastal Areas/Lakeshores (See RHO 3).

Category 2 - Remaining Rural Areas: These areas comprise of all other rural areas outside of the identified pressure areas under strong urban influence. It is recognised that sustaining smaller community areas is important and as such, it is considered appropriate to encourage rural housing in accordance with the principles of proper planning and sustainable development. In these areas, the Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network. The sensitive reuse, refurbishment and replacement of existing rural dwellings is also recognised as a vital element in maintaining the vibrancy of the countryside. The Council also recognises the need to continue to cater for local rural housing needs in areas that are visually and/or environmentally sensitive, such as Scenic Routes; Scenic Routes with Scenic Views and Coastal Areas/Lakeshores (see Map 10.2 in Chapter 10), to ensure a balance between maintaining vibrant, all year round, rural communities, while safeguarding the physical beauty and natural environment of the county.

INO 3 - To ensure that any new development connects to a public water supply or Group Water Scheme, where available. Connections to wells for individual housing units in unserved rural areas will only be considered where there is no public water main or Group Water Scheme serving the site and where it can be demonstrated that connection to the proposed well will not have significant adverse effects on water quality or water quantity in the area and can provide a potable water supply in accordance with EU Drinking Water standards.

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

INO 3 - To ensure that any new development connects to a public water supply or Group Water Scheme, where available.

Volume 2

Chapter 2 Residential (Rural)

Volume 4

Landscape Appraisal of County Mayo

Mayo Rural Housing Design Guidelines

5.1.1. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. This National Biodiversity Action Plan 2023- 2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

5.2. Natural Heritage Designations

5.2.1. The location and distance from the nearest European sites:

- The Mweelrea/Sheeffry/Erriff Complex SAC, 5.4 km to the south
- The Brackloon Woods SAC 6km to the west
- The Lough Carra/Mask Complex SAC, is located 6 km to the south east
- The Lough Carra SPA is located 6 km to the south east
- The Clew Bay Complex SAC is located 6.7km to the west

6.0 Environmental Impact Assessment (EIA) Screening

6.1.1. The appeal concerns the development of a rural house (a dwelling unit), Class 10(b) of Part 2, Infrastructure projects, construction of more than 500 dwelling units applies and the following Classes may also be relevant: Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and Class 10(dd) of Part 2 relating to private roads in the form of driveways. I have considered all of these Classes at appendix 1 and 2 of my report and no thresholds have been met. The introduction of a single dwelling in the open countryside will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site as discussed in section 9.0 of my report below and there is no direct meaningful hydrological connection present such as would give rise to significant impact on nearby water courses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising in the area. It would not give rise to a risk of major accidents or risks to human health.

6.1.2. Having regard to: -

- The nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended), Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and Class 10(dd) of Part 2 relating to private roads in the form of driveways.
- The location of the site in an area of open countryside, not subject to any particular designation for protection of views or vistas,

- The existing pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

6.1.3. I have concluded that, by reason of the nature and scale of the single housing development and the rural location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case, for further detail and analysis note that appendices 1 and 2 of my report refer.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The appellant has submitted a variety of material that forms the grounds of appeal. The documentation starts with the submission made to the planning authority as follows:

- The water supply is not adequate to serve an additional dwelling. The infrastructure is old, other houses have had to sink wells and water pressure is low.
- The applicant’s primary residence is 34 Upper Carrownbeg, Westport, until a Council house was received at 8 Cloonmonad Close, Westport. Then the applicant moved to Scotland. The applicant has never resided at her grandmother’s house in Devleash East and the applicant has never lived or worked at Devleash West.
- The applicant attended school at St Patrick’s National School, Westport, not St Patrick’s National School Killawalla as stated. The applicant has not provided information about farm working and has not resided in Mayo in the last seven years. The applicant lives and works in Co Clare.

- The dwelling height and scale will interfere with views of the open countryside. The house design is not appropriate to the rural location. The occupancy of the dwelling is contested and compared to other dwellings in the area that are modest in scale and accommodate two people.
- Note a nearby planning application, even though the applicants met with a housing need, permission was refused on visual grounds and water supply.
- There are other sites on the family holding that would be a better location for a house.
- Planning consent has not been given to apply for permission.
- A traffic impact assessment has not been carried out for this narrow rural road.
- Impact on local biodiversity has not been carried out.

7.1.2. Additional material submitted by the applicant refers:

- It is noted that the applicant at further information stage (24th June 2024), was referred to the visual impact at this rural location and the lack of other development in the vicinity.
- The lands are in the estate of another, not the applicant, the lands cannot therefore be transferred, correspondence dated 29 August 2024.
- Site Characterisation Form – additional details are provided by the applicant, such as: reasons why there are no other houses in the area due to poor ground conditions, nearby stream named, ground conditions are soft (not firm), surface water ponding is present, surface and ground waters flow onwards to the Lough Mask,

7.1.3. Photographs illustrate the points made above.

7.2. Applicant Response

7.2.1. The applicant's response to the third party grounds of appeal, are summarised as follows:

- The applicant states that she has satisfied the housing need criteria set out by the Council. Development plan policies are outlined and the site is not located in an area under urban pressure. The Board have agreed with the requirement to support local communities, 306796 refers. There is no requirement in this area to demonstrate a local housing need.
- Water supply is confirmed, a letter from Killawalla GWS has been submitted.
- The site is suitable for wastewater disposal. The site characterisation form was filled out correctly and a tertiary treatment system is proposed.
- House design is adequate and the area is not designated as sensitive. The house design accords with the rural housing design guide and the siting of the house fits in with the requirements of the landscape sensitivity matrix of the development plan.
- There are no other planning permissions refused on visual grounds in the area.
- The site selection is acceptable and the choice of the applicant.
- A new single dwelling, there will be no traffic issues. As demonstrated in a comparable appeal, 306796 refers.
- The site is managed farmland, there is no wildlife that would be impacted by the development.

7.3. Planning Authority Response

None.

7.4. Observations

None.

7.5. Further Responses

None.

8.0 Assessment

8.1. Introduction

8.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The planning authority issued a notification to grant permission, the appellant has appealed that decision for a variety of issues. Having examined the application details and all other documentation on file, including all of the report/s of the local authority, having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Rural Housing Need
- Rural House Design and Siting
- Legal Consent
- Water Supply
- Traffic
- Public Health
- Other Matters

8.2. Rural Housing Need

8.2.1. The appellant has set out in detail a variety of reasons why the applicant does not need to live at this location and consequently does not meet the criteria for local housing need. The applicant explains that development plan policies in relation to local housing need are not relevant because the site is not located in an area under urban pressure. But in any case, they explain that they have demonstrated all relevant housing need requirements on this family land.

8.2.2. In terms of Rural Housing Policy, the site is not located in an area identified in the development plan as a Rural Area under Strong Urban Influence, thus Rural Housing Objective 1 does not refer and matters such as a social or economic link to the area in which an applicant may wish to build is not required. The planning authority noted the applicant's bona fides in this respect, and the applicant defends their local connections even though it is not necessary.

- 8.2.3. The appeal site is located in an area designated as Category 2 in the development plan and the requirements for local connections are not required. Instead, in order to sustain local communities, the development plan considers it appropriate to encourage rural housing in accordance with the principles of proper planning and sustainable development. However, such support for rural housing is not unqualified and at the same time the development plan seeks to consolidate the existing rural town and village network. The appeal site is situated in open landscape not designated for any protection in the development plan, it is not located along a scenic route or within a scenic view. The nearest settlement of any note is the small village of Aghagower 9km away and a little closer lies the spread out settlement of Killavally, Westport is 14km away. It is clear that the development plan seeks to support the vitality and viability of these settlements whilst at the same time supporting all persons in their choices to live in rural areas, a fine balancing act is required.
- 8.2.4. In terms of the contention of the appellant with regard to the actual need of the applicant to reside at this particular location, there is no development plan requirement to articulate such a need and consequently no demonstration of genuine housing requirement in this instance. However, the following sections of my report examine the other issues raised by the appellant with reference to normal planning considerations as set out by RHP 3 of the development plan.

8.3. Rural House Design and Siting

- 8.3.1. The appellant has pointed out that the design and scale of the proposed dwelling will interfere with views of the open countryside. Comparisons are drawn between the proposed dwelling and others in the wider area that are smaller and more appropriate to their setting. The appellant disagrees and contends that the design and siting of their proposal follows the guidelines as they are set out in the development plan.
- 8.3.2. I see that the appeal site is situated in open landscape not designated for any protection in the development plan, it is not located along a scenic route or within a scenic view. From my observations of the appeal site and its surrounds, the area is upland in character, devoid of any concentration of habitation except for a single farmstead to the west. These observations are confirmed by the Landscape

Appraisal of County Mayo (Volume 4 of the development plan) that categorises the area as Policy Area 3: Uplands, moors, heath or bogs. According to the development impact landscape sensitivity matrix set out in the county's Landscape Appraisal, rural dwellings would result in a medium to low potential for impact, in visual terms. This is all dependant on the capacity of the area to absorb new development and appendix A of the landscape appraisal sets out how to assess any such impacts. In addition, the development plan sets out in volume 4, the Mayo Rural Housing Design Guidelines, and this helps with things like siting and the design of rural dwellings.

- 8.3.3. To be clear the site is upland in character, there are no mature trees or hedging either on the site or in the vicinity. In the wider area, only a single dwelling set out within a farmstead is visible. The site slopes downwards from the road, there is no natural ledge and excavation and levelling of the site will be required. The proposed dwelling is large in floorplan and together with the front boundary removal, driveway and parking space, the development will cover a significant portion of the overall site, drawing L(- -)0-1-A refers. The visual impact of the dwelling and associated development will be a noticeable feature on a landscape not characterised by one off rural dwellings and very different to other residential compositions associated with agricultural buildings and yards elsewhere in the wider area. The rural housing guidelines for Mayo advises the use of surrounding topography for shelter, a reduction in visual massing and to reduce visual impact use of stone walls already on the site and the use of natural, existing backdrop of trees to provide a shelter belt, all helps. The proposed development fails to meet all these factors in relation to how to select a site in the first instance and consequently any position of the house on the overall site is problematic. No shelterbelts are proposed, and no landscape plan at all has been submitted with the planning application.
- 8.3.4. The landscape appraisal for the county states that in some areas where enclosing topography, screening vegetation and/or existing development are present, they should have a high potential to absorb new development. Conversely other areas of elevated topography, with low growing or sparse vegetation and little existing development would have a low potential to absorb new development. The appeal site is located in such area, where screening and sheltering opportunities are extremely limited and have not been demonstrated on the plans submitted.

8.3.5. From my observations of the site, I can see that this is an upland area with wide ranging views to the Partry Mountains to the south. The site is elevated and exposed and significant works will be required to construct the proposed dwelling and accommodate its roadside boundary, driveway and parking area. Though the landscape is not designated for protection in the development plan, the area harbours none of the ingredients to allow trouble free integration of the proposed dwelling. The proposed dwelling itself may be in accordance with the design principles of the rural housing guidelines, however its location and position within the wider landscape fails to meet the site selection and house siting advice as set out in the guidelines and fails to address landscape absorption capacity as set out in appendix A of the Landscape Appraisal of County Mayo. Policy RHP 5 seeks 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. In the context of this application, the proposed development would not meet any of these development plan aims. For all of these reasons permission should be refused on the basis that the landscape character of the area will be adversely impacted upon.

8.4. Legal Consent

- 8.4.1. The appellant states that consent has not been given to apply for planning permission. The planning application details Padraig Kelly as the owner of the site and that the applicant is a niece to which the lands will be passed once permission is secured. In addition, I note that correspondence on the file (solicitors letter dated 29th August 2024) states that the lands are actually registered in the name of Bridget Kelly and that title registration to Padraig Kelly is ongoing. It appears that Padraig Kelly is not the registered owner of the lands and despite his consent to an application being made, he is not the owner of the lands in question.
- 8.4.2. Article 22 of the Planning and Development Regulations 2001 as amended sets out requirements for the content of planning applications generally. Article 22(2)(g) states that where the applicant for permission is not the legal owner of the land or structure concerned, the application shall be accompanied by the written consent of the owner to make the application.

- 8.4.3. I have considered the submissions of all parties relating to title, according to the documentation on the file it is evident that the applicant has not received the required legal consent from the registered owner to make an application. Notwithstanding that the planning application was validated by the planning authority, there is a clear lack of title or consent provided, and permission may be refused on that basis.

8.5. Water Supply

- 8.5.1. The appellant states that the water supply is not adequate to serve an additional dwelling. The infrastructure is old, other houses have had to sink wells and water pressure is low. The applicant has submitted a letter from the Killawalla Group Water Scheme that states the provision of a water supply to the proposed dwelling is acceptable. The correspondence from Killawalla Group Water Scheme, dated 20th January 2025, goes on to state that the water pressure at the highest point along the line is 3 bar and levels of 1.5 to 3 bar are adequate for a dwelling. I am satisfied that there is no basis to refuse permission for the development with respect to an inadequate or unsafe water supply.

8.6. Traffic

- 8.6.1. The appellant is critical of the fact that a traffic impact assessment has not been carried out for this narrow rural road. The applicant refers to other appeals on similar rural roads, where traffic impact is not an issue. In my experience it is extremely rare for a traffic impact assessment to be prepared for a rural house. Technical drawings are produced to determine if adequate sight lines can be achieved and these have been provided in the application drawing package. The existing road is single track and narrow in places. There are very few dwellings along the entire length of the road and an additional dwelling would result in imperceptible levels of increased traffic volumes and this would not lead to a traffic hazard. I see no reason to refuse permission on the basis of traffic hazard as adequate and achievable sight lines have been demonstrated for the appeal site.

8.7. Public Health

- 8.7.1. The appellant is critical of the Site Characterisation Form that forms part of the application. A number of issues are raised such as the reasons why there are no other houses in the area and this is due to poor ground conditions, the nearby stream is helpfully named, ground conditions are soft (not firm), surface water

ponding is present, surface and ground waters flow onwards to Lough Mask. The applicant points back to the Site Characterisation Form that was submitted with the planning application and dismisses the photographs of water present in trial holes.

- 8.7.2. The planning authority have not raised any issues to do with public health. From my observations of the appeal site I can confirm that the trial hole was inundated and this is likely from the ingress of rainwater. It would not be unusual for trial holes to be covered over to shelter from the elements or filled in entirely after testing. Therefore, it would not necessarily be a cause for concern for there to be water present in this instance, percolation test holes were dry. I note that box 3.2 of the Site Characterisation Form states that the winter water table should be taken into account when designing the overall response, depth to ground water was measured at 2 metres. The site conditions as I observed, mostly tally with those set out in the Site Characterisation Form and I note that discharge to groundwater should be via a tertiary treatment system.
- 8.7.3. The findings of the applicant's Site Characterisation Form raise specific design considerations to be employed. Threats to both groundwater and surface water have been identified. The trial hole was excavated to 2.2 metres and the report records topsoil, sand/gravel with clay, sandy clay with some random boulders and water table at 2 metres. The Site Characterisation Form records a subsurface percolation test average T value of 88.33 and subsurface percolation test average T value of 45.69 (no surface test carried out as progressive results are to be considered in design). Overall site conditions dictate that a tertiary treatment system with infiltration/treatment area are all required to ensure safe discharge to groundwater. It is not clearly set out in the documentation, but this may require a significant amount of engineering infrastructure to facilitate a single dwelling on a challenging site. I note that percolation test results indicate the need for additional ground works to deal with clay soils and for surface water from up gradient to be directed away from the percolation bed, note detail at part 5.0 of the Site Characterisation Form. The applicant has not specified a particular proprietary treatment system and there are no design drawings to show that the infiltration treatment area would comply with EPA requirements in terms of distance to boundaries etc. In this respect I note condition four attached by the planning authority in their notification to grant

permission that requires the installation of any system to accord with the requirements of the EPA.

- 8.7.4. The applicant's Site Characterisation Form sets out the suitability of the site to treat wastewater produced by single dwelling, by a number of means not clearly set out in the file. This could require a significant amount of engineering infrastructure to facilitate a single dwelling on a challenging site. Given the difficult ground conditions of the site, the need for a heavily engineered design solution to treat domestic waste in an environmentally sensitive area cannot be discounted. I am not wholly satisfied that the appeal site is suited to residential development served by a domestic wastewater treatment system. But neither are there good reasons to refuse permission on public health grounds alone. The Board may wish to seek all relevant design details and the specifications of any proposed wastewater treatment system, but these details could also be sought by a suitably worded condition prior to the commencement of development.

8.8. Other Matters

- 8.8.1. Procedural - The appellant has raised an issue about the date of the site notice erection. The planning authority have not raised similar concerns, and I note that the application was declared valid and processed as such. I am satisfied that the planning authority followed all the relevant procedures for validating and assessing the planning application, no further action warranted.
- 8.8.2. Biodiversity - concerns were raised by the appellant regarding biodiversity and that it was not fully considered in the application. It is not unusual for rural housing planning applications to be lodged without the preparation of any specific ecological or biodiversity assessments. In this instance I note that the appeal site in question and the wider environs comprise managed grassland in an upland area. The development plan includes a landscape character assessment that defines the area and no specific biodiversity or habitat protections were assigned to the area. The site is not located within or close to a European designated site, section 9.0 of my report refers.
- 8.8.3. I am aware of the National Biodiversity Action Plan (NBPA) 2023-2030 and I note that the county development plan recognises the importance of biodiversity and section 2.8.11 of the plan seeks to ensure that development of the unserved rural

areas takes place in a manner that is compatible with the protection of key economic, environmental, biodiversity and cultural/heritage assets such as the road network, water quality and important landscapes. I also note objective NEO 4 of the plan that seeks to protect and enhance biodiversity and ecological connectivity in County Mayo, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, stone walls, geological and geomorphological systems, other landscape features and associated wildlife, where these form part of the ecological network. The applicant has not considered the biodiversity impacts of the proposed development, such as they may be, and has not prepared a detailed landscaping plan to address planting and overall management of the site. The removal of a drystone boundary wall is mentioned and the biodiversity impact of that proposal has not been assessed. These are not insignificant matters and could either be addressed by condition or referred to if permission is refused. However, I am satisfied that the overarching impacts on the landscape posed by the development if permitted encompasses the wider gamut of biodiversity in this particular instance.

9.0 Appropriate Assessment (AA) Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located at Devleash West, Ayle, Westport, Co. Mayo. The proposed development comprises a single dwelling and wastewater treatment system
- 9.3. No nature conservation concerns were raised in the planning appeal and no issues raised by any prescribed bodies consulted. However, biodiversity concerns were raised by the appellant as having not been fully considered, section 8.8 of my report refers.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
 - a) The small scale and nature of the development,

b) The location, distance and lack of meaningful connections with the nearest European sites at:

- The Mweelrea/Sheeffry/Erriff Complex SAC, 5.4 km to the south
- The Brackloon Woods SAC 6km to the west
- The Lough Carra/Mask Complex SAC, is located 6 km to the south east
- The Lough Carra SPA is located 6 km to the south east
- The Clew Bay Complex SAC is located 6.7km to the west

c) Taking into account the screening report/determination (section 10 of the Planner's Report) by Mayo County Council.

9.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. The site of the proposed development is located within an upland area as identified by the Landscape Appraisal of County Mayo contained within Volume 4 of the Mayo County Development Plan 2022-2028, Policy RHP 5 of the development plan places emphasis on the importance of designing with the landscape and of siting of development to minimise visual intrusion and this is set out in the current Mayo Rural Housing Design Guidelines, which Guidelines and objectives are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its depth and scale, the resulting extensive driveway and the removal of the front boundary wall, it is considered that the

proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has -

(a) sufficient legal estate or interest in the land the subject of the application to enable the person to carry out the proposed works on the land, and

(b) the approval of the person who has such sufficient legal estate or interest.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

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

Stephen Rhys Thomas

Senior Planning Inspector

24 March 2025

12.0 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321652-25		
Proposed Development Summary	One House.		
Development Address	Devleash West, Ayle, Westport, Co. Mayo		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/> proceed to Q2.
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input checked="" type="checkbox"/>	Class 10(b) of Part 2, Infrastructure projects, construction of more than 500 dwelling units. May also include: Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and Class 10 (dd) of Part 2 relating to private roads in the form of driveways.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			

No	<input checked="" type="checkbox"/>	<p>Class 10(b) of Part 2, Infrastructure projects, construction of more than 500 dwelling units.</p> <p>May also include:</p> <p>Class 1(a) of Part 2 (rural restructuring / hedgerow removal); and</p> <p>Class 10 (dd) of Part 2 relating to private roads in the form of driveways</p>	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

Yes	<input checked="" type="checkbox"/>	<p>Class 10(b) of Part 2, Infrastructure projects, construction of more than 500 dwelling units.</p> <p>Development is for a single house, significantly below threshold.</p> <p>Class 1(a) of Part 2 (rural restructuring / hedgerow removal); the development will entail no field boundary removal, any re-contouring is well below 5 hectares and no farming related activities whatsoever.</p> <p>Class 10(dd) of Part 2 relating to private roads in the form of driveways. Development driveway amounts to less than 50 metres, far less than the threshold of 2,000 metres.</p>	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

13.0 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321652-25
Proposed Development Summary	One House.
Development Address	Devleash West, Ayle, Westport, Co. Mayo
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (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).	Development comprises a single house, it considered that there are no environmental implications with regard to the size, design, cumulation with existing/proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (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	Development comprises a single house, there are no environmental sensitivities in terms of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	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.	
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).	Development comprises a single house, there is not likely to be significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No, Schedule 7A Information is not required.
There is a real likelihood of significant effects on the environment.	EIAR required.	No, an EIAR is not required.

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)