



An
Bord
Pleanála

Inspector's Report ABP-306400-20.

Development	Construct 33 no. dwellinghouses.
Location	Garryduff, Castlebar, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	18995.
Applicant	G and A McConway Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Types of Appeals	Third Party and First Party
Appellant	1. Glenfort Residents Association 2. G and A McConway Ltd.
Observers	Conor and Liz Earls.
Date of Site Inspection	26 th March 2020.
Inspector	Mairead Kenny.

1.0 Site Location and Description

The site is in a suburban location in Castlebar. This is a residential area and the immediate vicinity is dominated by two-storey houses to the west and south, open fields to the north and detached single storey / split level houses to the east. The subject site is at a low point relative to the lands to the west east and north in particular. To the north there is an archaeological site, which is described as a hillfort. Development of the site is stated to have been delayed in the context of a proposed inner relief road, the route of which passes through the site. The other significant feature within the site is the culverted Knockthomas stream.

The site is within Glenfort housing estate. The existing estate road, which is in line with the proposed inner relief road and the culverted stream effectively bisect the site in a north-south direction. There are 50 no. houses in Glenfort, all of which are two-storey semi-detached. The Glenfort estate and Viewpoint to the west share a vehicular access point at Pound Road, the public road.

At Pound Road houses numbered 1–11 are located to the south of the eastern half of the site. The houses at the eastern boundary of the site, which are accessed from Rathbawn Road and the houses at Pound Road share a rear boundary with the site and the boundary finishes are very varied. The houses at Rathbawn Road in particular are elevated above the site and the eastern end of Pound Road is also elevated.

There is an open drain which runs along the eastern boundary. This would take surface water in a northerly direction and outside of the site prior to discharge into Knockthomas stream, which then takes a southerly route in a culvert through the site. The stream emerges as a fairly significant surface water channel located at the opposite side of Pound Road, as shown in photograph 4 attached.

The site largely comprises a flat piece of open space, which is more elevated at the north-west. The lands close to the existing houses at 80 and 87 Glenfort are laid out as open space, which is available for use by residents and is stated to be maintained by the local authority. The land to the east and north of the estate road is mostly closed off with a timber post and rail fence and is not accessible for public use.

The stated site area is 1.287 ha. That area is indicated as all of the lands under the applicant's control as outlined by a blue line on the application drawings submitted. The site includes the estate road serving the existing residential development.

Photographs which were taken by me at the time of inspection are attached.

2.0 Proposed Development

Permission is sought for the construction of 33 no. dwellinghouses consisting of 14 no. three-bed semi-detached units, 8 no. 2 -bed terraced units and 11 no. three-bed terraced units as well as connection to services, internal access road and all ancillary site development works.

The scheme was reduced to 23 no. dwellinghouses as per further information received by the planning authority on 21st of October 2019. This comprises:

- 16 no. semi-detached three-bedroom (type A) houses at plots 1 – 4, 6 – 11, 13 – 18.
- 4 no. terraced three-bedroom (type B) houses at plots 20 – 23.
- 3 no. detached four-bedroom houses (type C) at plots five, 12 and 19.

The application drawings include landscape plans, foul and surface water drainage and the route of the culverted stream and the inner relief road.

Specification for the attenuation tank (a permeable design) is for 122.4 m³ of storage, laid out in an area 19.2 m x 7.9 m.

Two areas of open space are shown both of which are adjacent to the main estate road and the route of the inner relief road and are of stated area of 505.2 m² and 505.4 m².

Boundary fences include solid walls at locations close to the estate roads, concrete post and panel fencing between houses and at the rear of houses at Rathbawn Road and in the south-east corner some retaining wall.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- To be in accordance with the plans and particulars of 11th of December 2018 and 21st of October 2019.
- The site layout plan shall be revised so that the rear boundary fence line on units 6-11 shall be set back 2.5 m from the site boundary in order to provide a fenced of 2.5 m way leave for access to the proposed culvert and the houses re-orientated as required. The way leave shall be fenced with access for maintenance as required. (Condition 2).
- The developer shall confirm provisions for future maintenance of the culverted (Knockthomas) stream section traversing the site including arrangements for upgrade of the inlet screen to the north of the development site. (Condition 3).
- Final elevations to be agreed including all details of external finishes, fenestration and all finished materials including the type and colour scheme (condition 4).
- A landscaping plan for the overall scheme including proposals for the additional public green area to the east of the development shall be agreed (condition 5).
- Surface water shall be collected and road gullies provided in accordance with RSDWHA. Surface water shall be in accordance with SUDS and surface water attenuation be provided to restrict flows from the development to greenfield run-off rate.
- Condition 7 – 18 inclusive refer to roads and other engineering details.
- Condition 19 refers to hours of construction.
- Condition 20 sets out the amounts payable under the development contribution scheme. To include the cash deposit in the amount of €68,000 for completion.

3.2. Further information

The request for further information dated 12th of February 2019 included:

- A site layout incorporating the relief road shown in drawing 5699/18/10.
- Revised site layout including a more suitable mix of house types (30% detached houses, omit terraced houses and provide for specific sectors).
- Concrete post and panel fence to be replaced. Boundary walls in open view to be finished in local stone.
- Details of construction traffic routes, parking, wheel washing to be identified in order to protect residential amenity and in the interest of safety.
- Archaeological assessment as described.
- Site specific flood risk assessment - part of the site is identified in the CFRAM mapped areas as 'pluvial indicative'.
- Calculations to identify proposed and existing open space.
- Reduced number of dwellings as the proposed development exceeds recommended 20 units per hectare.
- Advice note attached refers to a number of these matters in more detail.

3.3. Planning Authority Reports

3.3.1. Planning Report

The significant points in the final planner's report are:

- Following a review of the further information all of the items were adequately addressed apart from the flood risk assessment.
- There is a risk of fluvial flooding to the east of the site. The flood risk assessment submitted proposals to fill in existing drainage ditch along the east boundary of the site. The development of 6 no. dwellings in a section of the site subject to risk of flooding from the 1% AEP fluvial flooding events is not desirable.

- Infilling to facilitate such development removes the ability to temporarily attenuate floodwaters arising from future flood events. For this reason houses 6 – 11 shall be omitted in this area developed as public green space.
- The applicant was advised of this concern in a letter dated 14th of November 2019 and no further amendments were made the scheme therefore the condition is to be attached.
- In a handwritten note attached the above was superseded by the Senior Executive Planner. An alternative condition provided for houses 6 – 11 to be re-orientated and a fenced way leave to be developed at the rear of the gardens.

3.3.2. Other Technical Reports

Executive Architect

The report dated 11th of February 2019 indicates:

- The layout should have regard to DMURS and Quality Housing for Sustainable Communities, particularly in relation to design of the vehicular access road. The proposed green area is an island roundabout offering limited amenity or aspect.
- Orientation of dwellings needs to take account of aspect and passive solar gain.
- Terraced units should be omitted.
- Internal layout should avoid cutting through living areas.
- Front gardens should show separate plots and one parking space only.

Environment, Climate Change and Agriculture

The main points of the final report include:

- Responsibility for maintenance of the stream and the inlet at the entrance to the culverted section needs to be clarified.
- OPW CFRAM mapping confirms that a small area of the site at the north-east corner is at risk of fluvial flooding. No risk of pluvial or groundwater flood.
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- It is proposed to construct 6 no. dwellings at this area and the rear private gardens of each would extend over a new piped (enclosed) drainage ditch. No provision has been made for access for the future maintenance.
- The development of 6 no. dwellinghouses in a section of site subject to risk of flooding from both the 1% and 0.1% AEP fluvial flooding events is not desirable as infilling to facilitate such development removes the potential ability to temporarily attenuate floodwaters arising from future flood events.
- In the event that the planning authority seeks clarification on the further information request it is recommended that clarification be requested relating to the maintenance status of the stream (Knockthomas), arrangements for upgrade and future maintenance of the inlet screen outside of the site boundary and details regarding hydraulic capacity of the culverted stream to accept additional stormwater from the development.
- As an alternative the following design/amendment should be considered and conditions imposed as follows:
 - omit dwellinghouses 6 – 11 (to provide for natural attenuation of floodwaters and allow for future maintenance)
 - confirm provisions for future maintenance of the culverted stream section crossing the site including arrangements for upgrade of the inlet screen to the north of the development site (to prevent any increased risk of flooding)
 - details of the hydraulic capacity of the stream section traversing the site to accept additional water to be submitted for approval.

Road Design

The report of 13th of November 2019 indicates no objections subject to conditions:

- Access to be as per site layout.
- Roads footpaths and turning areas to accord with RSDWHA and to be as shown on site layout plan dated 21st of October 2019.
- Surface water to be in accordance with RSDWHA and the system designed in accordance with SUDS and surface water attenuation to restrict flows from

the development to green-field run-off. Calculations showing how this will be achieved shall be agreed.

- Public lighting.
- Details of junctions, signage, parking and dished curbs and footpaths.

Road Design

The report dated the 2nd of January 2019 queries if the applicant is willing or in a position to change the design of the housing estate to accommodate the Castlebar relief road from the regional road R310 to the regional road R311 and can the applicant show on a site layout plan the housing estate roads coming from the relief road (see drawing 5699/18/10)?

Anne Sweeney

In a report dated 2nd January 2019 it is stated that the density appears to be high and the amount of usable green area for the estate seems deficient, with minimal landscaping shown. The attenuation system is located in the green area which may also diminish its usage as a play area. If permitted the developer shall provide a construction plan to control / minimise disruption.

Senior Archaeologist

The report 14th of November 2019 notes that no site or monument will be affected. The archaeological assessment submitted is noted and there are no further archaeological requirements.

3.4. Prescribed Bodies

TII has no observations to make.

3.5. Third Party Observations

The observers' comments relate to:

- removal of existing open space and inadequate provision
- proposals for fencing and trees

- existing flooding situation will be exacerbated and proposals to remedy are ineffective
- single-storey houses will be impacted by two-storey
- construction and traffic -related impacts
- procedural issues
- planning history
- requirement for EIA
- matters related to design and density.

4.0 **Planning History**

There is no recent relevant history related to the site.

Under ABP 305240 the board recently refused permission for development of nine number houses for reason of low density contrary to the National Planning Framework.

Under 18/328 relates to a permission for a rear extension at 35 Rathbawn Road.

5.0 **Policy Context**

5.1. **National Planning Framework - Project Ireland 2040, 2018.**

This is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands this growth will place on the environment and the social and economic fabric of the country. It sets out 10 no. goals, referred to as National Strategic Outcomes.

Under National Strategic Outcome 1 (Compact Growth), the focus is on pursuing a compact growth policy at national, regional and local level. From an urban development perspective the aim is to deliver a greater proportion of residential development within existing built up area of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

NPO 35 is to increase residential density and settlement/range of measures.

5.2. Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (May 2009).

This has a focus on the delivery of quality residential development. It promotes higher residential densities on residential zoned land in particular locations such as city and town centres, brownfield sites, public transport corridors, inner suburban/infill sites etc, subject to good design, the provision of a good quality living environment for future occupants and the protection of the amenities of adjoining property.

5.3. Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (May 2018)

This outlines the need for a significant and sustained increase in housing output and apartment type developments in particular to meet growing demand.

5.4. Castlebar Town and Environs Development Plan incorporated in the Mayo County Development Plan 2014 – 2020

Castlebar is **a linked hub**. This is the upper tier of settlement identified in the core strategy. It is stated that by building up the population of these centres, there will be increased opportunity for provision of services including public transport, which will contribute to the attractiveness of settlements, which in turn will attract investment and residents.

The site and a significant area of land to the north is zoned **New Residential Medium Density**. An indicative density of 20 units per hectare applies. Actual density will vary and will depend on a number of criteria.

Section 5.7 clarifies that only land that is considered to be available for development during the period of the plan has been zoned new residential medium density. This zoning is described in section 16.3 as providing for new residential development, associated facilities and services. This zoning is stated to apply to a total of 157 ha of land in four distinct areas of the town where it is envisaged that new communities will develop throughout the lifetime of the plan. The areas are intended primarily for

housing but may also include a range of other uses particularly schools, crèches and community buildings. In the case of **sites over 2 ha in size there is a requirement for a master plan**, which would detail the layout of services, open spaces, roads, pedestrian linkages and landscaping.

Map 2 shows protected structures – it does not identify any features within the subject site.

Volume 2 sets down development management standards including 15% public open space in residential developments on greenfield/suburban sites and elsewhere a requirement of 10% applies. In the calculation of open-space residual spaces are to be disregarded.

5.5. **EIA Screening**

Having regard to the nature and scale of the development and its location on an infill site in an established area and the availability of public water, wastewater services and the proposals for surface water drainage, it is considered that there is no real likelihood of significant effects on the environment, arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

5.6. **Natural Heritage Designations**

No Natura 2000 sites are directly impacted.

6.0 **The Appeal**

6.1. **Appeals**

The third party appeal is accompanied by an annotated site layout plan and is summarised below.

Procedural and related issues

- The number of units permitted is unclear. A proposal of 17 dwellings would reduce concerns as there would be better open space provision and a response to real flooding concerns.

- Adequate contextual information has not been provided and the application may be invalid.

Open space, planning history and flooding.

- The area of phase 1 is currently maintained by the Council and is used by residents of Glenfort and other residential areas, which lack sufficient open space.
- The amount and quality of the open space proposed is below standard. Glenfort as a whole comprises 2.72 ha and the development is an extension of the existing housing estate and should provide for sufficient open space. Glenfort overall should be provided with 10 to 15% open space.
- Development of Glenfort was not as originally envisaged. Everyone has a right to live somewhere beautiful. Appropriately scaled public open space is a key requirement.
- Under PD 2116 and 2150 which were permissions granted in the 1990s (as shown on image five) a linear park with 6150 m² of public open space was permitted and this is now proposed to be built upon. The detailed planning history of the area needs to be considered before decision can be made and is outlined in section 5.
- Condition 3 of PD 2116/2150 should be followed through in the interest of proper planning and legal advice should be sought as this may have a knock-on effect on contract law and the sale of dwelling houses.
- Flooding is a real concern and will be exacerbated by the proposal.

Masterplan, roads, traffic and related

- The future road provision through an existing estate raises serious safety concerns and cannot be properly designed without reference to the wider area and would be best considered as part of a master plan.
- Condition 2 proposes an unsupervised alleyway to the rear of the dwellings. A hard space would exacerbate flooding concerns.

- Concerns relating to arrangements for construction traffic. If the developer owns the lands to the north it might be used as an access to the site from the rear and for the provision of site facilities.

Details

- Concerns relating to the size of rear gardens and mix of house types.
- Screen planting behind existing houses would be beneficial but would require long gardens.

Prematurity

- We are aware of the pressure to provide housing.
- A decision to grant is premature until the points raised are addressed.
- Appendices enclosed.

6.2. First party appeal

The main points of the appeal against condition 2, 3, 4, 5 and 20 are:

- Condition 2 should be amended as a fenced off wayleave area may not be necessary with alternative engineering solutions potentially available.
- Condition 3 should be amended due to lack of clarity.
- Condition 4 is unnecessarily broad.
- Condition 5 is redundant.
- It is requested that condition 20 be amended in respect of the cash deposit in the amount of €68,000 for completion namely that a bond may be provided in lieu of a cash deposit and that such security may be provided on a phased basis.
- The levy under condition 20 is significantly in excess of what is fair and reasonable and is contrary to the appropriate application of the Scheme.
- The development contribution scheme 2004 has been applied rather than the Castlebar Town Council development contribution scheme 2011. The chargeable amount would be €38,655 rather than the €52,139, which was imposed.

6.3. Applicant Response

The main points of the applicant's response include:

- It is abundantly clear that the permitted development is 23 number units.
- The development is infill in nature aiming to complete a long unfinished housing estate while also having regard to potential future development schemes on adjoining lands including in respect of permeability / connectivity. The applicant is considering schemes for the lands to the north. This is a discrete scheme and there is no barrier to its completion in the short-term. There is no requirement for a masterplan.
- If the Board considers it appropriate in the short-term an open space on adjoining lands in the order of 2,000 to 3,000 m² could be prioritised. It is recognised that numerous details would have to be addressed including with respect to privacy of existing rear gardens and an archaeological buffer.
- The applicant shares the appellant's preference that a relief road not be constructed through the subject site, which in our opinion is the most likely scenario. The relief road was removed from formal plans ten years ago but it was included in the application following consultation. It is demonstrated that the proposed development would not preclude the road if required.
- The provisions of NPF and Sustainable Residential Development in Urban Areas Guidelines both strongly encourage maximising the potential of such sites.
- The public open space is consistent with the requirements of the development plan with other existing substantial open space adjacent along with opportunities for additional spaces in the area and while some informal open space will be removed, new formal open spaces will be provided.
- The much larger scale housing scheme envisaged decades ago on adjoining lands was not carried out. The layout and positioning of open space proposed under that scheme in any case was substandard.

- The applicant is agreeable to modifying the phasing and to investigating all options regarding access/transport routes to and from the site which would be most suitably finalised at compliance stage.
- The private open space is in excess of the requirements.
- The site has been assessed in terms of flood risk. The scheme hydrologists are highly regarded and the analysis is comprehensive.
- We note the decision of the Board under ABP-305672 in which there are somewhat similar circumstances.

6.4. **Planning Authority Response**

No detailed response received.

6.5. **Observations**

Conor and Liz Earls

- There is conflicting information on whether units 6 – 11 have been approved to be built or just repositioned/re-orientated. We refer to various internal reports and also to condition 5 and condition 20. If these units have been omitted it would go some way to alleviating our concerns as there would be adequate space and access to maintain the existing drain and additional green space in an area which was supposed to be so used.
- Our second concern relates to the Hydro chamber attenuation system and how this may add more flooding issues to our home and our neighbours homes. We submit documents to address this.
- Various documents, correspondences and sketches enclosed further explain and add clarity to our comments.
- The document entitled 'Foul water pipework and surface water Hydro chamber attenuator system compatibility' elaborates on issues which were presented to the planning authority.
- The document entitled 'Surface water system invert level issues' describes how based on the invert levels submitted and noting a spot level on the inner

relief road drawing, a water level in the culvert of 380mm would be sufficient to create a backflow into the development and it is likely that these conditions would be present throughout much of the year. The development would therefore exacerbate flooding concerns.

6.6. Further Responses

None.

7.0 Assessment

The main issues in this appeal can be considered under the following headings:

- Flood risk and surface water drainage.
- Masterplan, density, design and open space.
- Appropriate Assessment.

7.1. Flood risk and surface water drainage

Regarding the first party appeal against conditions and the third party concerns relating to surface water drainage / flooding and the acceptability of the development my assessment of flood risk and surface water is under the following headings:

- Summary of flood risk and of aspects of the proposed development.
- General suitability of the proposed development in terms of flood risk.
- First party appeal against conditions 2 and 3.

7.1.1. Summary of flood risk and of aspects of the proposed development.

The north-east of the site is within Flood Zone B. This is a small part of the site which is stated to be within the rear gardens of 4 no. of the proposed houses.

The FRA, which was submitted in response to a request for further information identifies a risk that in the event of extreme rainfall the stormwater volume could exceed the capacity of the drainage system of the site or adjacent residential development and also that there is a risk related to possible failure or collapse or blockage of the storm water systems.

The FRA notes that the finished floor levels of houses and roads and public open spaces is set at a level to provide for 300mm freeboard to ensure stormwater drainage exceedance or failure will not pose a risk to the proposed dwellings and taking into account climate change.

As described in section 4.2.3 of the FRA the surface water for the proposed development would be managed through a 122.4m³ attenuation tank with hydrobrake outfall and discharging to the culverted Knockthomas stream.

The development includes an amendment to an existing open channel along the eastern site boundary and its replacement with a piped system. The flow would follow in a northerly direction to outfall at a point north of the site (indicated as being in the ownership of the applicant) and to join the existing culverted section of Knockthomas stream, which traverses the centre of the site and flows to the south. The pipe would replicate the existing flow pattern.

The proposed development involves the replacement of a screen at Knockthomas stream at a location north of the site. The upgraded screen would also be subject of a maintenance plan to avoid blockage. The land appears to be within the applicant's control, although it is not within the application blue line.

7.1.2. **General suitability of the proposed development in terms of flood risk**

I consider that the significant issues relate to:

- the positioning of houses within Flood Zone B
- the adequacy of the culverted Knockthomas stream
- the proposed replacement screen and maintenance
- foul and surface water layout - design details.

At the north east of the site the rear of 4 no. **proposed houses is in Flood Zone B**. The footprint of the proposed buildings, all public access roads and open space are within Flood Zone C, as is the majority of the curtilage of the properties of the houses.

I am satisfied that the proposed surface water arrangements are acceptable in terms of the prevention of water ingress to proposed buildings and public open spaces and roads. The conclusion of the FRA is that risk to the properties will be mitigated by

setting finished floor levels above the height of the 1% AEP flood (with appropriate allowances for climate change and freeboard) and I accept that this is achieved and am in agreement with the general conclusions.

However, I consider that there is insufficient technical information on which to base any conclusion that the design would mitigate the flood risk in the actual curtilage of houses in the north-east of the site. Further, there is no information provided to enable an assessment of the degree to which any such events would impact on the enjoyment of rear gardens, their maintenance or even pose a safety risk to inhabitants, including on occasion to children at play in their back garden. The FRA in addressing residual risks in section 4.3 does not specifically reference rear gardens / private open space.

In my opinion the applicant's submissions do not contain information to enable the Board to conclude that potential flood impacts within the curtilage of the 4 no. houses would not reduce the safety and / or amenity of garden space.

In line with current concepts on designing for flood risk the Environment Section's report and the advice note which was issued by the planning authority state that the infilling of land to facilitate the proposed 6 no. houses eliminates the option to temporarily attenuate flood waters by natural means. The adoption of a condition to omit houses 6-11 as recommended might be considered by the Board.

I note the reference by third parties to a previous proposal to develop a landscaped part at the eastern side of the site and to the size of the overall land holding overall and the need for a masterplan approach. I conclude that there is considerable merit to these statements and return to the issue later.

The final Environment report queries **the adequacy of the culvert** to take additional surface water. This was identified as a matter to be addressed in the event of clarification being sought, which was not undertaken. Knockthomas stream, which flows through the site would accommodate not only the subject development and the existing development, but would also have to provide for future potential development on lands to the north of the site.

The culverted stream is indicated on the application drawings and is located in areas of open space and roadways and 2m wayleaves either side are provided. The infrastructure would be part of the housing estate when taken in charge.

The FRA in drawing conclusions in relation to residual risks refers to the possibility that in the event of an extreme rainfall event there is a risk of stormwater volume exceeding the capacity of the drainage system of the site or the adjacent residential development. While it can be accepted (as described in the FRA) that the subject development due to elevated finished floor levels of roads, houses and public open space would not be affected, I could find no assessment of any consequences for existing buildings which may be down gradient and which could be affected by such events. This matter has not been addressed in detail in any submission of the applicant. In my opinion it warrants further consideration.

In conclusion in relation to the culvert it is of considerable importance in terms of the future development of the site and lands to the north and there should not be any questions over its capacity / condition / suitability.

Regarding the proposed **replacement screen upstream of the site** I consider that this will benefit the existing development and serve to prevent future blockages. The free flow of water from the open channel at the eastern site boundary would be enhanced. The proposal is acceptable and the land appears to be within the applicant's control, although it is outside the blue line indicated on the site location map. It is required under condition 3 that the developer confirm provisions for future **maintenance** of the culverted (Knockthomas) stream section traversing the site and arrangements for upgrade of the inlet screen to the north of the development site. I consider that the nature of the matter is such that it is necessary and appropriate for condition. Subject to condition 3, or a variation thereof, I am satisfied that there are no significant issues to resolve in relation to the screen and maintenance. I address the detail of the condition further below.

Foul and surface water layout - design details. The observer demonstrates practical technical knowledge and has undertaken a survey of the exposed sections of the concrete culvert, to add to the information on file. Photographs enclosed with this submission and annotated drawings are noted. The submission raises a number of issues relating to compatibility of the foul water pipework and surface water Hydro chamber attenuator system. This was essentially set out in the observation to the planning authority and would not be considered to be a new issue in this appeal.

It is noted that some sections of the foul water pipework for the development traverse the location of the surface water drainage attenuator system. This is in relation to foul water connections from units 9 and 10 and pipework from the proposed FMH3 and proposed FM H4. As the observer notes the system was revised from the original proposal and it is not clear that the system supplier was involved in the redesign or confirmed that it was still fit for purpose. The observer notes that the invert levels are such that the foul water pipework cuts through the system. It is therefore queried how the bedding material associated with the foul water would be prevented from being washed away by the surface water running through the attenuation system, which is a permeable system.

While the observer raises issues which will require to be addressed I note that the technical submission from the supplier of the attenuation system clearly indicates that the proposed layout can be altered and furthermore that there is a degree of flexibility in relation to the separation between ground level and invert level, which can vary from 1.4 m minimum to 3.5 m maximum. The design and construction of the system would have to address the matter raised by the observer to ensure protection of the foul system in particular and ensuring that it is not set in an eroding base. I am satisfied that this matter could be resolved and that its nature is such that it is appropriate to be addressed by condition in the event of a grant of permission.

The observer also comments that the surface water system design is not adequate and that it will further impact in terms of increased flooding. Again I note that this issue was raised with the planning authority. The document entitled Surface Water System Invert Level Issues explains the manner in which there could be a back flow of water from the culvert to the development in times of heavy rain. The observer queries whether this was considered in the writing of the FRA. I consider that it is addressed as part of the description of the residual risks which clearly states that there is the risk of stormwater volume exceeding the capacity of the drainage system of the site or the adjacent residential development. I take this as a reference to include the points made by the observer. I have already concluded that this may be a substantive matter and certainly that it warrants consideration.

7.1.3. **First party appeal against conditions 2 and 3**

Condition 2 is as follows:

The site layout shall be revised whereby the rear boundary fence line on unit 6, 7, 8, 9, 10 and 11 shall be set back 2.5 metres from the site boundary, in order to provide a fenced off 2.5 metre wayleave for access to the proposed surface/flood water culvert at this location. Manholes shall be provided in the public areas at either end of the way leave. Housing units 6, 7, 8, 9, 10 and 11 shall be re-orientated accordingly as required and the way leave shall be fenced, but will facilitate access for maintenance as required.

The reason for the condition is to avoid flooding.

I note the recommended omission of units 6-11, which was overruled by the Senior Executive Planner in favour of condition 2. The first party appellant considers that any requirement to omit the houses would be disproportionate. However, it is also the opinion of the first party that the required dedicated fenced-off wayleave is a relatively extreme solution.

In relation to the requirement of the planning authority to provide a means of access in perpetuity to the proposed drainage to the rear of 6 no. houses, I do agree that such a requirement would appear to be excessive in normal circumstances due to the short length of surface water drainage system involved. However, in the particular circumstances of this case involving an area of flood risk and the nature and area of land which would be drained, I consider that there is merit to the retention of public access. I therefore agree with the condition and consider it should be retained.

As discussed elsewhere it would be appropriate to allow for some flexibility in house location in the event that the wayleave is to be maintained. Condition 2 in its entirety is therefore appropriate in terms of what it seeks to achieve. However, the relocation of houses, in the absence of public notices and/or our detailed drawings, would appear to be contrary to the spirit of planning legislation involving public participation and to the requirement that conditions be clear and unambiguous.

Condition 3 is as follows:

Prior to the commencement of development, the developer shall confirm provisions for the future maintenance of the culverted (Knockthomas) stream section traversing the site – including arrangements for upgrade of the inlet screen to the north of the development site.

The reason for the condition is related to preventing any increased risk of flooding.

In the appeal against this condition the applicant seeks a rewording to enable details of the inlet screen, of maintenance and of the way leave to be confirmed and to be in place unless/until the development is taken in charge. The applicant cannot confirm responsibility for long-term maintenance of the stream, which is currently not managed or maintained by public authorities. An amended wording sought is as follows:

Prior to the commencement of the development, the developer shall confirm proposals for the upgrade of the inlet screen to the north of the development site with Mayo County Council, which shall include details of maintenance of, and way leave for, the screen and culverted (Knockthomas) stream section traversing the site, unless/until the development is taken in charge by the local authority.

The future taking in charge of this estate would include the subject culverted stream. Although it is not explicitly stated, I consider that the wording of condition 3 allows for agreement to be reached between the planning authority and the developer up until the time of taking in charge. On that basis I would recommend that it be attached without amendment.

In conclusion in relation to proposals for surface water drainage and flood risk I consider that there are a number of matters which are unresolved. Significant amongst these are any consequences for the flooding of the rear gardens of the proposed houses at 6 – 11, of existing development down gradient and of the suitability and capacity of the culvert to cater for lands to the north. A condition which has been requested in the first party appeal would allow for all matters relating to surface water / flood risk to be addressed by agreement with the planning authority,

if the Board considered that was appropriate. Having regard to the comments of the Environment section and the observer (which reflect comments made to the planning authority), the conclusions of the FRA in relation to residual risks and in the absence of any substantive comment from the first party in the application or appeal documentation, I do not consider that the arrangements for surface water and to address flood risk are demonstrated to be suitable. Therefore, I do not consider it prudent to grant permission based on the available information.

7.2. **Masterplan, density and open space**

In relation to the need for a **master plan**, the requirement arises under the terms of the development plan for sites of over 2 hectares in size. The application blue line indicated identifies a holding of 1.287 ha, which is the same as the site, but the appeal submission drawing indicates the blue line extends to the north, which was also clear on the other application drawings. In relation to the applicant's overall holding, the applicant indicates that further consideration is being given to a future planning application and states that the subject proposal is a discrete scheme which can be separately considered without the need for a master plan.

Under the terms of the development plan the masterplan would detail the layout of services, open spaces, roads, pedestrian linkages and landscaping. There is some merit in the applicant's description of the proposed development as a discrete entity. However, I consider that the site is also inextricably linked with the redevelopment of the lands to the north including by reason of the nature of the access road and proposals for surface water drainage. Furthermore, in response to the appeal the applicant has presented an option of providing an area of open space on lands to the north. Having regard to these matters I support the third parties position that a masterplan for the applicant's lands including the site and the lands to the north is warranted.

The **density** of the subject development equates to approximately 18 units per hectare. This is marginally below the level recommended under this sites zoning which would require 20 units per hectare. I consider that the size and configuration of the site would provide for higher density of development at this location and note the original proposal for 33 houses. When considered in the context of the applicant's

overall holding this part of the land is closer to the town centre and at lower elevation and thus may offer the best opportunity for different building forms / densities.

Third parties have raised various objections relating to the provision of open space and I respond below to those which I consider to be of most significance.

1. The eastern part of the site appears to be subject of a condition that would be reserved as an open space for the permitted Glenfort development. I do not have the original planning application details but I consider that the appellant's submission includes sufficient evidence to support this conclusion.
2. The construction of units 28 – 33 is described as being at the expense of eliminating a portion of land which is used by residents, which is stated to be maintained by the local authority. Third parties have also suggested that the development should be considered in the context of the overall Glenfort estate and considered in terms of Viewpoint to the west, which lacks flat areas which would be suitable for active recreation.
3. I agree with the general thrust of the appellant's comments regarding Glenfort and note that the existing estate would appear to be deficient in open space, being served only by a small sloping plot surrounded by roads.
4. The subject development is stated by third parties to be deficient in open space provision. The proposed development would be served by two small pockets of open space of overall stated area of 1010m², equivalent to 8% of the site area, which would be well below the 15% public open space requirements set down in the development plan. However, taking into account the configuration of the site and the small number of houses, I consider that the proposals for open space to serve the subject houses would not warrant a refusal of permission but when considered in the context of the overall estate I would have reservations.
5. The qualitative value of the proposed open spaces is diminished by their location adjoining the main access road, which may in future be widened to provide the relief road. Any compensation for the reduction in the amount of open space which might result if the relief road was constructed could not be remedied except off-site and would not therefore serve the future occupants of the development.

6. While the applicant has proposed to fast track a larger area of open space (2,000m² to 3,000m²) at an elevated location to the north, I do not consider that there is sufficient detail presented and / or any mechanism to ensure that this could be implemented in the absence of a masterplan for the entire area. The applicant has acknowledged issues which would need to be resolved including in relation to archaeological requirements and possible overlooking.
7. Whether it would be appropriate to reserve a natural flood attenuation area at the eastern side of the site should be considered along with a masterplan approach relating to lands to the north.

In conclusion in relation to open space the proposed open space might be considered to be barely adequate in terms of the development to be served but would not be described as high quality open space and furthermore the development would appear to exacerbate the issues in Glenfort.

In conclusion, having regard to national guidance and to the designation of Castlebar as a linked hub under the provisions of the Mayo County Development Plan 2014 – 2020, to the proposals for open space, the density, the overall size of the holding and the provisions of the development plan in relation to masterplan approaches, I consider that the development is premature. Omission of a further 6 no. houses to address issues relating to surface water drainage, way leave and open space provision would have consequences for density and is not therefore recommended.

My comments in relation to open space provision reinforce my conclusion that there is a need for a masterplan approach to this site and adjacent lands.

7.3. **Housing mix, detailed design and landscaping**

In relation to the **mix of house types** I note that the original 33 no. dwelling houses proposed consisted of 14 no. three bedroom semi-detached houses, 8 no. two-bedroom terraced units and 11 no. 3 bedroom terraced units. I note that the mix of units was identified as a concern in the report of the Council's executive architect, which noted that the existing scheme is devoid of terraces and the antisocial consequences relating to lane ways and the terraced units should be omitted. The further information requested identified a range of requirements relating to mix of units including the provision of 30% detached housing.

The permitted 23 unit development comprises:

- 16 no. semi-detached three-bedroom (type A) houses at plots 1 – 4, 6 – 11, 13 – 18.
- 4 no. terraced three-bedroom (type B) houses at plots 20 – 23.
- 3 no. detached four-bedroom houses (type C) at plots five, 12 and 19.

I consider that the mix of unit sizes and types is not unreasonable, but that it results in a density which would be considered on the low side.

I note that the **detailed design** matters raised by the planning authority include the boundary treatment. In the circumstances and in principle I have no reservations regarding the proposed concrete post and panel fences set on a concrete wall.

Notwithstanding the separation between Rathbawn Road and Pound Road and the proposed houses, I consider that assessment of the scheme would be aided by section drawings through the residential plots. This level of detail would also clarify the relationship between the proposed finished floor levels and garden levels of the houses, which is a significant matter in the context of the site topography and which would provide clarity in relation to the height of boundary fences needed to screen views.

The first party appeal against **condition 4** refers. This requires that final elevations be agreed including all details of external finishes, fenestration and all finished materials including the type and colour scheme. I consider that this is reasonable.

Regarding the requirement for a **landscaping plan** this is appropriate in principle. However, the wording of condition 5 refers to 'including proposals for the additional public green area to the east of the development', which would not appear relevant. This would appear to have led to confusion in relation to the number of houses permitted. A standard landscaping condition would be appropriate if permission is granted.

7.4. Other matters

I consider that the development is acceptable in terms of roads and traffic based on the proposed layout proposed. Further consideration of any inner relief road would be appropriate in the context of my comments relating to a masterplan.

The Council's Senior Archaeologist report dated 14th of November 2019 notes the archaeological predevelopment testing and concurs that no archaeological site or monument will be affected and no further archaeological work is required.

Regarding the requirements for social and affordable housing it is stated on the application form submitted with the application that discussions are ongoing.

Regarding the first party appeal I have earlier address most of the conditions which were subject of the first party appeal and re-iterate my recommendation at this point, which is to retain the conditions largely as drafted. I have highlighted some concerns relating to the repositioning of houses under condition 2. Condition 5 assumes that houses 6 – 11 would be available for landscaping.

The final issue concerns condition 20 which includes the requirement for a cash deposit of €68,000 for completion and which required a contribution under the provisions of the Mayo County Development Contribution Scheme 2004.

I agree with the appellant's submission that the relevant scheme is the Castlebar Town Council Development Contribution Scheme 2011. I also consider that options other than a cash deposit would be acceptable and a separate condition in this regard would be appropriate. In considering this condition I refer the Board to the appeal referenced by the first party under ABP – 302292. In the event that permission is granted I consider that the financial contribution and security conditions attached in that case constitute a template for conditions in the current appeal.

7.5. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Conclusions

My overall conclusion is that the development is premature pending the provision of a masterplan for the overall holding which appears to include lands to the north and which would provide for suitable densities throughout the landholding, set out a hierarchy of open space, ascertain the suitability of existing surface water infrastructure to serve the overall area and address the status of the inner relief road. As presented, the proposal appears to be deficient in public open space in particular. Secondly, I have concerns in relation to the proposals for surface water drainage and the ensuing flood risk, all of which matters warrant further detailed consideration.

9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations below.

10.0 Reasons and Considerations

1. It is a requirement under the provisions of the Mayo County Development Plan 2014 – 2020 that development of sites of 2 ha size and which are zoned New Residential Medium Density shall be subject of the preparation of a masterplan. Having regard to the apparent legal and functional connections between the subject site and the lands to the north, including with respect to the provision of an inner relief road, proposals for surface water drainage and to the substandard nature of proposals for open space, it is considered that the development would be premature pending preparation of a masterplan to guide the development of the area.
2. The Board is not satisfied that the proposed development would not give rise to flooding of rear gardens of houses at the east of the site or of other areas within Glenfort.

Mairead Kenny
Senior Planning Inspector

7th May 2020