



An
Bord
Pleanála

Inspector's Report

ABP-315914-23

Development	28 no. houses and all associated site works.
Location	Knockakeery, Aughagower, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	221062
Applicant	Simon Oliphant
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party
Appellant	Simon Oliphant
Observer(s)	Noel & Stephanie O' Malley Elizabeth Woulfe PJ Foy Brian Drum Kitty & John Foy Ann Nolan Marlene Foy

John & Mary Sheridan
Katrin Coffey
John & Margaret Keane
Anne Masterson
Pat Masterson
Noel Mc Namara
Aughagower Tidy Towns & Heritage
Group
Liza Mc Gowan & Others

Date of Site Inspection

27th July 2023

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 2.03 Ha and is located in the townland of Knockakerry in the village of Aughagower, c. 6km south-west of Westport, Co. Mayo. Aughagower¹ is a small village with a rural hinterland.
- 1.2. The appeal site is broadly rectangular in shape, is located contiguous to and north-west of the village centre, and appears to be in agricultural use. The historic core of the village, comprising a monastic site with a round tower, is located to the immediate south of the appeal site. The appeal site is bound to the south-east and south-west by a local access road and to the north-west and north-east by lands which are in agricultural use. Aughagower Graveyard is located to the west of the appeal site and a public house (Keane's) is located to the south of the site.
- 1.3. Site boundaries comprise a stone wall along the south-east and south-west and hedgerow along the north-eastern boundary. An open drain runs along the south-eastern boundary of the appeal site.
- 1.4. The planning application was not accompanied by a site survey map to indicate the topographical levels of the appeal site. Based on my site inspection I note that the appeal site falls from north to south². The majority of the appeal site is elevated relative to the adjoining local road network surrounding the appeal site and relative to the village and site of the Round Tower. It is proposed to alter levels across the appeal site and details of cut and fill proposals have been submitted with the planning application.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of 28 no. detached houses (the mix of which consists of);

¹ Census 2023 lists Aughagower as having a population of 211 no. with 78 no. permanently occupied dwellings on census night.

² The Technical Report submitted with the planning application describes levels on the site as falling from 75 metres (OD Malin) to 56.5 metres (OD Malin). A contour plan extract is provided in the Design Statement however the site has not been clearly overlain.

- 5 x 2 bedroom single-storey houses; 19 x 3 bedroom two-storey houses; and 4 x 4 bedroom two-storey houses) across 11 no. house types.
- Material finishes to the houses comprises render (off- white and grey variation) for the external walls and natural roof slate. A number of houses have a zinc roof. A number of the houses are provided with a feature canopy.
- Garden sheds and bin stores provided within curtilage of houses.
- Vehicular access off L-1816.
- Pedestrian accesses (from south-west and south-east).
- In-curtilage car parking and car parking parallel to the local access road (to south-west and south-east).
- Public open space along the northern boundary of the site.
- Boundary treatments (predominantly comprising stone walls at interfaces with public areas).

2.2. The planning application was accompanied by the following reports;

- Design Statement.
- Technical Report – Services Design.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 1st February 2023 for 4 no. reasons which can be summarised as follows;

1. The proposed development would materially contravene³ Rural Settlement and Village Settlement Objective RSVO4 *'to support the development of appropriate housing in rural settlements and villages, in order to provide a choice for those who wish to live in a rural setting but not in the rural countryside, subject to a*

³ Refusal Reason no. 1 refers to the proposed development materially contravening the Development Plan. The provisions of Section 37 2 (b) of the Planning and Development Act, 2000, as amended therefore applies should the Board grant permission for the proposed development.

limited scope for individual small-scale multi-house developments of up to 12 houses only or 10% of the existing housing stock, unless it can be demonstrated to the satisfaction of the Planning Authority that local infrastructure, such as schools, community facilities and water services, are sufficiently developed to cater for a larger residential development'.

2. The proposed development is substandard in terms of design and layout, lack of permeability, sustainable mobility and fails to visually integrate with the surrounding residential scheme therefore, it is contrary to the Sustainable Residential Development in Urban Plans 2009 (Cities, Towns and Villages) Guidelines for Planning Authorities, and the accompanying Urban Design Manual 2009 A Best Practice Guide, Department of the Environment, Heritage and Local Government (2009). The proposed development would give rise to a substandard form of development, and would seriously injure the amenities, and depreciate the value of the property in the vicinity.
3. In the absence of a Road Safety Audit the applicant has not demonstrated that the proposed development would not endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.
4. In the absence of an Archaeological Assessment the applicant has not demonstrated that the proposed development would not have a direct impact on the National Monument Place No.: MA088-063 - Early Ecclesiastical Complex.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer generally reflects the reasons for refusal. The report also notes -

- The majority of the site lies outside the Village Consolidation Zone.
- The proposal is not consistent with Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and associated Urban

Design Manual – A Best Practice Guide, (DEHLG), and the Design Manual for Urban Roads and Streets (DMURS), 2019. Specifically

- the proposal lacks active frontage to public open space;
- there is a lack of usable public open space;
- there is no connectivity and permeability with adjoining development;
- internal streets have dead ends and the layout is road dominated;
- there is no provision for ‘home-zones’;
- house types are predominantly two-storey, urban in form and lack a traditional design/character;
- the proposal is not proportionate to the village;
- the topography of the site has not been adequately considered and it appears that parts of the site may be undevelopable.

3.2.2. Other Technical Reports

Roads Design – report recommends Road Safety Audit (RSA).

Archaeological Section – report of Planning Officers refers to report from the Archaeological Section which recommends that an archaeological assessment is undertaken. This report is not on the file.

Architects Section – reports notes that proposal is disproportionate/out of character relative to village.

Area Engineer – report refers to specific requirements in the event that permission is granted (e.g. surface water, public lighting, diversion of services).

3.3. Prescribed Bodies

Uisce Éireann – report notes no objection subject to standard conditions⁴.

⁴ The Confirmation of Feasibility issued in respect of the applicant’s Pre-Connection Enquiry application notes that upgrades may be required to existing infrastructure to facilitate wastewater.

3.4. Third Party Observations

The report of the Planning Officer summarises issues raised in observations submitted in respect of the planning application as follows;

- Scale of proposal is inappropriate to setting of village.
- Site is elevated and would detract from the village.
- Lack of consistency in house types proposed.
- Traffic congestion.
- Impact on 'Tochar Padraig walk'.
- Surface water drainage concerns.
- Inadequate bus service.
- Density of proposal is inappropriate.
- Proposal is inconsistent with Aghagower Community Action Plan 2022-2027.
- Devaluation of property in area arising from proposal.
- Proposed dwellings will be used as holiday homes.
- Village is designated as being under strong urban influence.
- Inadequate water and sewer.

4.0 Planning History

Appeal Site:

PA. Ref. 06/1983 & ABP. Ref. PL16.223817 – Permission GRANTED for 28 no. houses, 10 no. apartments and 2 no. commercial units.

This permission was not implemented and has expired.

5.0 Policy Context

5.1. Ministerial Guidelines

5.1.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.2. Development Plan

5.2.1. The relevant Development Plan is the Mayo County Development Plan 2022-2028.

5.2.2 The majority of the appeal site is located outside the settlement boundary of the village and is not subject to a specific land-use zoning in the Mayo County Development Plan 2022-2028. The southern part of the appeal site is zoned 'Rural Village Consolidation

Zone⁵ under the Mayo County Development Plan 2022 – 2028 (see Volume 3, page 50 of the Development Plan) and is also indicated as an Opportunity Site.

5.2.3. The provisions of the Mayo County Development Plan 2022-2028 relevant to this assessment are as follows:

Volume 1 – Written Statement:

Chapter 2 (Core Strategy)

- Policy CSP1
- Section 2.8.1.2 Rural Villages (Tier V)
- Policy SSP5

Chapter 3 (Housing)

- Objective TVHO8

Chapter 9 (Built Environment)

- Objective BEO4

Chapter 12 (Settlement Plan)

- Policy RSVP3
- Objective RSVO1
- Objective RSVO3
- Objective RSVO4
- Objective RSVO13

Volume 2 - Development Management Standards:

- Section 3.4 Permeability and Sustainable Mobility
- Section 4.5 – Layout
- Section 4.5.5 – Overlooking

⁵ This single land-use zoning applies to all lands within the village boundary. The zoning objective of the Rural Village Consolidation Zoning is *'to provide for, protect and strengthen the vitality and viability of Tier V Rural Villages, through consolidating development, and encouraging an appropriate mix of uses commensurate with the character, capacity and connectivity of the rural village, including but not restricted to retail, commercial, residential, community, amenity, and public realm enhancements, while maximising the use of land'*.

- Section 4.7 – Public Open Space
- Section 4.8 – Private Open Space
- Section 4.9 – Boundary Treatments
- Section 4.10 – Landscaping
- Section 4.11 – Refuse/Bin Storage
- Section 4.12 – Materials and Finishes
- Section 7.5 – Road and Traffic Assessments
- Section 7.12 – Parking Standards and Dimensions
- Section 11.4 – Archaeological Sites.
- Section 13.4 – Archaeological Assessment.

Archaeological and Built Heritage Designations

There are a number of Recorded Monuments to the south-east of the appeal site, including;

- MA088-063001 (Religious House – unclassified).
- MA088-063002 (Graveyard).
- MA088-063003 (Round Tower).
- MA088-063004 (Penitential Station).
- MA088-063005 (Ritual Site – Holy Well).
- MA088-63006 (Ritual Site – Holy Well).
- MA088-063007 (Ecclesiastical Enclosure).
- MA088-063009 (Sheela-na-Gig).
- MA088-063010 (Ballaun Stone).

St. Patricks Church to the south of the appeal site is listed on the National Inventory of Architectural Heritage (NIAH Ref. 31308809).

5.3. Natural Heritage Designations

The appeal site is not located within or close to any European site.

5.4. EIA Screening

(See Form 1 and Form 2 attached). Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds for appeal may be summarised as follows;

- The village plan was prepared without direct involvement of stakeholders, including the applicant.
- The site is within the speed limit signs for the village and also the village marker stone.
- Most of the opportunity lands in the village are unavailable for development.
- The population of the village exceeds that associated with a Tier V village. The proposed development should be assessed on the basis of a Tier IV settlement and not a Tier V settlement.
- The village has suffered a loss of social infrastructure in recent years, for example a primary school, two pubs, a priest, and a church. The village has gained a playschool, athletics club, playground and undergrounding of services. The proposed development would allow for the possibility of the school to reopen, public transport to Westport, additional retail services and a GAA club.
- The Local Authority have developed a graveyard outside the village boundary.

- Development comprising 28 houses, 8 apartments, 4 retail units, 2 commercial units and a creche were previously permitted on the subject site. It is unclear why the site was omitted from the village plan in light of its planning history.
- The design of the proposal, including the detached design of the dwellings, reflects the character of the village, and is rural and organic in character. Generous set-backs and landscaping help soften the impact of the proposal. Houses in the scheme have narrow plans and houses on corner sites are dual aspect.
- 3 no. pedestrian/cycle access points are provided.
- The proposal accords with DMURS.
- The Roads Section of Mayo County Council have not identified any concerns in relation to road design, only requesting a Road Safety Audit (RSA) on the basis of the size of the development. It is not a requirement to submit a RSA with a planning application and it is common practice to request one by condition. The requirement for a RSA should not form a basis of a refusal of permission. A Stage 1 and 2 RSA may be provided if deemed necessary by the Board.
- The proposal addresses the requirement for houses in the area.
- The omission of houses within the scheme is proposed to address concerns raised in the Planner's report. (revised layout attached to appeal submission – see *Drawing No. ABP-01*).
- An Archaeological Assessment alone would not ensure that the proposal does not impact a national monument and it is not a requirement of a planning application that such an assessment be carried out. An Archaeological Assessment may be required by condition. There is no Archaeology report uploaded to the Planning Authorities system.
- The proposal is more sensitive to the archaeological and built heritage of the area compared to the development previously permitted on the site.
- The proposal aims to keep development within the serviced area of the village, and prevent ribbon development.

- Regarding issues raised in observations to the appeal, the applicant notes that the density of the scheme is low and in keeping with the area, the proposal provides a mix of units, and there is capacity in services as confirmed in correspondence from Irish Water.
- Regarding the refusal reasons, the proposal has been assessed on the basis of the wrong settlement tier; the proposal is not substandard; and, the lack of a RSA and Archaeological Assessment are not reasons for refusal. The applicant contends that the issues raised should have been addressed through a request for further information.

6.2. Planning Authority Response

None received.

6.3. Observations

15 no. observations were received in respect of the appeal. Issues raised in the observations are summarised as follows.

Noel & Stephanie O' Malley

- Proposal does not give adequate consideration to the historical setting of the site.
- Proposal is not consistent with the Mayo County Development Plan 2022-2028 in terms of density for the village.

Elizabeth Woulfe

- Proposal does not comply with Mayo County Development Plan 2022-2028.
- Proposal is unsuitable in terms of density and design.
- Concerns regarding visual impact noting the elevated nature of the site.
- Impact on archaeology.
- Services in the village are inadequate.
- Traffic concerns, including car parking.
- Decision of Planning Authority to refuse permission was correct.
- The area is under strong urban influence and should be protected.

- Landowners not approached in terms of the development of alternative sites.
- Development in the village is limited to 10% of housing stock.
- Appellant's comments regarding losses and gains for the village are baseless.
- Photomontages are misleading.
- There are no holiday homes in the village.
- Appeal to previous planning application on the site raised same issues which are now being raised by residents of the village.

PJ Foy

- Concerns regarding visual impact from proposal on village.
- Density of the proposal is not in keeping with the village, and will double the population.
- Concerns regarding impact of the proposal on archaeological heritage.

Brian Drum

- The proposal does not comply with Objectives RSVP3, RSVO4 and RSVO13 of the Mayo County Development Plan 2022-2028.
- The village has considerably fewer houses than stated by the appellant.
- The site is in proximity to archaeological sites.
- The site is not fully located within the speed limit as stated by the appellant.

Kitty & John Foy

- Mayo County Council's decision to refuse permission was correct.
- The proposal would impact visual amenity.
- Road safety concerns/RSA is required.
- Archaeological survey should have been included.

Ann Nolan

- Mayo County Council's decision to refuse permission was correct.
- The proposal would impact visual amenity.
- There are no holiday homes in the village.
- There is no requirement for a third national school.

Marlene Foy

- Concerns regarding scale of the proposal relative the existing village.

- The site is on a hill. Drawings submitted make the site look flat.
- Parking and road safety is a necessity.

John & Mary Sheridan

- Consistency is required in the context of how landowners are treated.
- The character of the village needs to be maintained.
- The site is on a hill.
- The proposal would place a stress on the village.
- The maps are unclear as they relate to the rest of the village.

Katrin Coffey

- RSA required.
- No historical assessment submitted.
- Village suffers from low water pressure.

John & Margaret Keane

- Concerns regarding scale of the proposal relative the existing village.
- The site is on a hill.
- The proposal would place stress on the village.

Anne Masterson

- Proposal is not in accordance with the proper planning and development as set out in the Mayo County Development Plan 2022-2028.
- Density and design of proposal is unsuitable.
- Development on elevated site would impact archaeological sites.
- Proposal is not aimed at locals.
- The applicant was previously the appellant to PA. Ref. 06/1983, and the appeal was made for similar reasons as that now being raised by local residents.
- The loss of services in the area is more to do with societal changes.
- Images of the proposal are not accurate.

Pat Masterson

- Proposal is not in accordance with the proper planning and development as set out in the Mayo County Development Plan 2022-2028.

- Scale of proposal is unsuitable and the proposal is the wrong development at the wrong location, with reference to the elevated nature of the site and its historic location.

Noel Mc Namara

- The proposal does not comply with the Mayo County Development Plan 2022-2028, or the requirements for rural areas under strong urban influence.
- The proposal is unsuitable in scale, design and siting.
- The proposal would impact archaeology and pilgrim routes.
- Inadequate services in area (e.g. water supply, school provision, public transport).
- Impact on traffic safety.
- Information submitted by the appellant is inaccurate, including in respect of development lands in the area.
- The Planning Authorities assessment of the proposal in the context of the village being a Tier V settlement is accurate.
- The development site is one of the worst sites in the village for development.
- Declines in the area are due to wider societal issues. The benefits which the appellant refers to as being linked to the proposal are questionable.
- There is no comparison between the development of 28 houses and the graveyard developed by the Local Authority.
- PA. Ref. 06/1983 is no longer relevant and has expired.
- Photomontages of the proposal submitted by the appellant are not accurate.
- The revised proposal does not address the deficiencies in the proposal.
- It may not be possible to remedy deficiencies found on foot of a RSA once a development is permitted.
- The proposal is located outside the speed limit zone on the Westport Road.

Aughagower Tidy Towns & Heritage Group

- Archaeological assessment is required.
- Loss of pubs and priest is not as a result of development.
- A third school is not required.

- Retail provision in the village is adequate.
- The proposal will place pressure on the local road network. A RSA should be required.
- There are other sites in the village available for development.
- The proposal, in terms of its design and density, would be incongruous with the village.

Liza Mc Gowan & Others

- There are 2 national schools within 4km of the village. A third school is unnecessary.
- Loss of pubs and loss of priest in village not as a result of development or population factors.
- Proposal would be unlikely to impact public transport provision.
- Aughagower is well served by retail services.
- Development of GAA and athletics is not dependant on the development.
- The proposal is unsympathetic to the area and lacks permeability. The village only has 22 no. houses, of which only 3 are two-storey.
- Images of the proposal are misleading and do not show the proposal in the context of the adjacent historic complex.
- The proposal would impact traffic safety as the adjoining road network is narrow.
- The proposal would place pressure on existing services, and would affect water pressure.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal and observations, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Refusal Reason 1 (Objective RSVO4)

- Refusal Reason 2 (Design and Layout)
- Refusal Reason 3 (Road Safety)
- Refusal Reason 4 (Archaeology)
- Other Matters
- Appropriate Assessment

7.2. Refusal Reason 1 (Objective RSVO4)

- 7.2.1. The first reason for refusal cited by the Planning Authority relates to Objective RSVO4 of the Mayo County Development Plan 2022-2028, which sets out limits for development in villages and which the Planning Authority consider that the proposed development would materially contravene.
- 7.2.2. The Core and Settlement Strategy for the County, which is set out in Chapter 2 of the Mayo County Development Plan 2022-2028, confirms the settlement hierarchy for the County. Aghagower is identified as a Tier 5 Rural Village within the settlement hierarchy (see Table 2.6 of Mayo CDP). Villages are described in the Core and Settlement Strategy of the Mayo County Development Plan 2022-2028 as comprising less than 50 no. people. In respect of the growth of Rural Villages, Policy SSP 5 seeks *‘to promote and encourage the sustainable, balanced development of the Rural Settlements and Rural Villages in an incremental manner, with the emphasis on small scale development⁶ over a medium to long-term period, in keeping with the character of the settlement’*. The extent of growth envisioned within villages is set out in Objective RSVO4, which seeks *‘to support the development of appropriate housing in rural settlements and villages’*, and specifically provides that housing development is *‘limited to individual small-scale multi-house developments of up to 12 houses only or 10% of the existing housing stock⁷, unless it can be demonstrated to the satisfaction of the Planning Authority that local infrastructure, such as schools, community facilities and water services, are sufficiently developed to cater for a larger residential development.’*

⁶ My emphasis.

⁷ The total housing stock within the village is not unclear. Therefore I have considered the restrictions on housing numbers in Objective RSVO4 to 12 no. houses.

- 7.2.3. The applicant's appeal submission refers to the unavailability of development sites within the village and asserts that the population of Aghagower exceeds that associated with a Tier V settlement, and as such the proposed development should be determined on the basis of a Tier IV settlement. I note that the Development Plan makes no provision for the un-availability of lands within villages to be considered in the context of proposals which exceed limits set out in Objective RSVO4. Additionally, I note that population figures in Census 2022 for Aghagower relate to a more expansive geographical area than the boundary of the village as indicated in the Development Plan and therefore I am satisfied that the designation of the village within Tier V is reasonable.
- 7.2.4. The proposed development entails 28 no. houses and the scale/quantum of houses proposed, being substantially greater than 12 no. units, would in my opinion be contrary to Objective RSVO4. Whilst Objective RSVO4 provides scope for a degree of flexibility in terms of the restrictions on residential units depending on the level of services within a village, I am not satisfied that this has been demonstrated in this instance. I specifically note the applicant's appeal submission where reference is made to the decreasing level of services within the village, and based on observations of the village I note that service provision within Aghagower is limited and in my opinion would not support a development of the scale proposed. In summation, the scale/quantum of houses proposed, being substantially greater than 12 no. units, would materially contravene Objective RSVO4. Having regard to the foregoing, I recommend that the first refusal reason cited by the Planning Authority is upheld.
- 7.2.5. Development Boundary (New Issue) – From reviewing the proposed site layout plan and the zoning map for Aghagower (see page 50 Volume 3 of CDP) it appears that 8 no. houses are located within the settlement boundary of the village and the area which is zoned 'Village Consolidation Zone' with the remaining 20 no. houses located on un-zoned land outside the village/settlement boundary. Objective RSVO1 requires that future housing occur in rural settlements and villages within the settlement/village boundary. I consider that the proposed development conflicts with Objective RSVO1 of Mayo County Development Plan 2022-2028 in this regard. The Board may wish to consider contravention of Objective RSVO1 as a new issue and seek the views of the

parties, however having regard to the other substantive reasons for refusal it may not be considered necessary to pursue the matter.

7.3. Refusal Reason 2 (Design & Layout)

- 7.3.1. The second reason for refusal cited by the Planning Authority relates to the design, layout, lack of permeability and failure of the proposed development to integrate, which the Planning Authority considers would injure the amenity of the area and depreciate the value of property in the vicinity. Reference is also made to the proposal being contrary to the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), 2009, and in this regard it is noted that the report of the Planning Officer refers to Section 6.3 (e) of the Guidelines (i.e. Sustainable Residential Development in Urban Areas, 2009) which relates to the scale of new residential development within villages and provides that developments in villages with populations under 400 should not exceed 10-12 units.
- 7.3.2. In response, the applicant contends that the proposed development is not substandard, and that the design of the dwellings, set-backs and landscaping responds to the character of the village. The applicant also notes that the layout of the proposed development provides for a high degree of permeability with 3 no. pedestrian access points.
- 7.3.3. Aghagower is a small, compact settlement which centres on the site of a round tower. Single-storey buildings are the predominant building typology within the village. The Mayo County Development Plan 2022-2028 provides guidance for multi-unit developments within villages. Objective RSVO 3 provides that residential development within rural villages should be commensurate with the nature and scale of the particular rural village or settlement. Objective RSVO4, referred to above, provides that multi-house developments should be limited to 12 no. houses or 10% of the existing housing stock. As addressed above at paragraph 7.2.4, the number of houses

proposed within the scheme conflicts with Objective RSVO4 of the Mayo County Development Plan 2022-2028 and proposes in excess of double the number of houses envisaged within a village context. The appeal site is also elevated relative to the village core and adjoining road network and any development of the site will have a dominant presence in the context of the village. In my opinion, the scale of the proposed development, and specifically the number of houses proposed would not be commensurate with the nature and scale of the village and would adversely affect the character and setting of the village. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), which have replaced the Sustainable Residential Development in Urban Areas (2009) Guidelines, provides guidance for development in rural villages. Section 3.3.5. of the new Guidelines provides that in respect of rural towns and villages with a population of 1,500 persons or less, these settlements should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. Table 3.7 of the new Guidelines further states that development should be tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services), and that the density of development at such locations should respond in a positive way to the established context. In my opinion, having regard to the scale of the proposed development, specifically the number of houses proposed, the predominant two-storey typology of the proposed houses, the suburban layout of the proposed scheme, and the elevated nature of the appeal site relative to the village and its historic core, the proposed development fails to integrate with the character and setting of the village, and would seriously injure the visual amenities of the area. I recommend that the second refusal reason is therefore upheld.

7.4. Refusal Reason 3 (Road Safety)

- 7.4.1. The third reason for refusal relates to the absence of a Road Safety Audit. The applicant notes that it is not a requirement to submit a Road Safety Audit with a planning application; that it is common practice to be required to provide one on foot of a planning condition; that the absence of a Road Safety Audit should not have

formed the basis of a refusal of permission; and that a Stage 1 and 2 Road Safety Audit may be provided if deemed necessary by the Board.

- 7.4.2. Section 7.5 (Volume 2) of the Mayo County Development Plan 2022-2028 requires that a Road Safety Audit be carried out for all significant proposed developments and submitted as part of the planning application. A 'significant development' is described in the Development Plan as development which generates 40+ traffic movements per day, or results in a modification to the road layout. The proposed development, comprising 28 no houses, would fall within this category in terms of traffic generation and as such the requirement for the submission of a Road Safety Audit as part of a planning application is clearly justified with reference to Section 7.5 (Volume 2) of the Development Plan. Additionally, in accordance with TII Guidance (i.e. 'Road Safety Audit (GE-STY-01024), TII, December 2017') Road Safety Audits are required to be carried out for 'road schemes' and 'development schemes', with the proposed development falling into the latter category, that being *'a scheme which results in a change to the road or roadside layout that is initiated and/or executed for commercial or private development'*. From reviewing the layout of the proposed development I note that car parking bays are indicated parallel to and accessing onto the existing local road within the village. In my opinion this would result in changes to the roadside layout, thereby triggering the requirement for a Road Safety Audit. Additionally, noting the number of houses proposed within the development I consider that a Road Safety Audit would be required in order to demonstrate that the internal road layout does not result in pedestrian vehicular conflicts, and that the layout does not result in traffic hazards for road users and future residents within the scheme. As the outcome of Road Safety Audits are used to guide the layout and design of proposed developments the applicant's assertion that a Road Safety Audit could be carried out post-consent is counterintuitive in my opinion, particularly as the recommendations of a Road Safety Audit may require alterations to the layout of the scheme. Having regard to the foregoing I concur with the Planning Authority and recommend that permission is refused on the basis that in the absence of a Road Safety Audit it has not been demonstrated that the proposed development would not result in a traffic hazard.

7.5. Refusal Reason 4 (Archaeology)

- 7.5.1. The Planning Authorities fourth refusal reason refers to the absence of an Archaeological Assessment. The Planning Authority considered that it has not been demonstrated that the proposed development would not have a direct impact on the adjacent ecclesiastical complex.
- 7.5.2. In response the applicant states that an Archaeological Assessment would not ensure that the proposal would not result in impacts on a national monument, and that it is not a requirement of a planning application that such an assessment be carried out. The applicant indicates his willingness to prepare an Archaeological Assessment if required by condition. The applicant also notes that the proposed development is more sensitive to the archaeological and built heritage of the area when compared to the development previously permitted on the site under PA. Ref. 06/1983.
- 7.5.3. Section 11.4 (Volume 2) of the Mayo County Development Plan 2022-2028 provides that development in the vicinity of archaeological sites shall be designed to have minimal impact on archaeological features, and states that an Archaeological Impact Assessment and Method Statement will be required for proposals that have potential to impact archaeological features, and also that a Visual Impact Assessment may be required for development proposals in the vicinity of upstanding remains. I also note that Section 13.4 (Volume 2) of the Mayo County Development Plan 2022-2028 states that an archaeological assessment is required for developments on sites greater than 0.5 Ha. In my opinion, the requirement for the submission of an Archaeological Impact Assessment with the planning application is clear having regard to Section 11.4 and 13.4 (Volume 2) of the Mayo County Development Plan 2022-2028
- 7.5.4. The appeal site is adjacent to a number of Recorded Monuments (see paragraph 5.2.3 above) which are clustered around a round tower. In my opinion two issues arise in relation to archaeological impact. Firstly, noting the presence of archaeological features in the vicinity of the appeal site there is a high potential for subsurface archaeological remains on the appeal site, which would potentially affect the layout and design of the proposed development. Secondly, noting the scale of the proposed development and proximity to the cluster of Recorded Monuments, the impact of the proposed development on the setting of the adjacent Recorded Monuments requires consideration. An Archaeological Assessment to examine the potential impact of the

proposed development on existing known archaeology is required in this regard. In terms of the potential for archaeological remains within the appeal site, in my opinion a desk study and walk-over of the site by an archaeologist would be a minimum requirement, and a geophysical survey and trench testing (under license) may also be required depending on the findings of a preliminary assessment.

- 7.5.5. In summation, having regard to the clustering of recorded archaeology in close proximity to the appeal site, and to the scale of the proposed development, I consider that an Archaeological Impact Assessment is required in order to determine the impact of the proposed development on Recorded Monuments on the lands adjacent to the appeal site, and to allow for an assessment of the potential for unknown archaeology within the appeal site, and to allow for the proposed development to respond to any archaeological features should they be identified within the appeal site. I recommend therefore that the fourth refusal reason of the Planning Authority be upheld.

7.6. Other Matters

- 7.6.1. Status of information submitted - the applicant has submitted a revised proposal as part of the appeal submission, reducing the number of houses proposed from 28 no. to 20 no. I submit to the Board that such a proposal should not be considered as it is materially different from the initial proposal and as such has not been subject to public participation.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission should be refused for the reason set out below.

9.0 Reasons and Considerations

1. The proposed development, comprising 28 no. houses in a Rural Village where local infrastructure is not considered to be sufficiently developed to cater for development of the scale proposed, would materially contravene Objective RSVO4 of the Mayo County Development Plan 2022-2028, which specifically provides that housing development within Rural Villages is limited to individual multi-house developments of up to 12 houses, or 10% of the existing housing stock, unless it can be demonstrated that local infrastructure is sufficiently developed to cater for a larger residential development. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
2. As the majority of the houses proposed are situated on lands which are located outside the settlement boundary of Aughagower and are un-zoned in the Mayo County Development Plan 2022-2028, it is considered that the proposed development would conflict with the Core and Settlement Strategy of the Mayo County Development Plan 2022 – 2028, specifically Core Strategy Objective CSP1, which seeks to manage the level of growth in each settlement to ensure that future growth is in accordance with the Core Strategy and County Settlement Hierarchy, and that the proposed development would be contrary to the provisions of Objective RSVO1 of the Mayo County Development Plan 2022-2028 which requires that future housing occurs in rural settlements and villages within the settlement/village boundary. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development, due to its design, scale and the overall number of houses proposed on a prominent site at the edge of a small village, would constitute inappropriate development that would be incongruous with the prevailing residential density in the area, inconsistent with the character of the village, overbearing and would seriously injure the amenity of the area. The proposed development would therefore conflict with Objective RSVO 3 of the Mayo County Development Plan 2022-2028 which provides that residential

development within rural villages should be commensurate with the nature and scale of the particular rural village or settlement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. It is considered that the proposed development, comprising 28 no houses, would result in a significant increase in traffic movements within the village and also comprises modifications to a road layout, specifically where car parking is proposed alongside the local road. It is considered that in the absence of a Road Safety Audit it has not been demonstrated that the proposed development would not result in traffic hazards for road users and future residents within the scheme.
5. Having regard to the proximity of the site to a cluster of Recorded Monuments and to the scale of the proposed development, it is considered that the archaeological potential of the site is such that any development of the site in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Ian Campbell
Planning Inspector

16th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315914-23			
Proposed Development Summary	28 no. houses, connection to public services and associated site works			
Development Address	Knockakeery, Aughagower, Co. Mayo			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	x		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class 10, (b), (i) (threshold is 500 dwelling units)	Proposal is significantly below threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 16th April 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315914-23	
Proposed Development Summary	28 no. houses	
Development Address	Knockakerry, Aughagower, Co. Mayo	
<p>The Board carries 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>		
	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • Is the nature of the proposed development exceptional in the context of the existing environment? • Will the development result in the production of any significant waste, emissions or pollutants? 	<p>The proposed development comprises a residential development of 28 no. houses connected to public services and is located within a village.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>	<ul style="list-style-type: none"> • No • No
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the existing environment? • Are there significant cumulative considerations having regard to other existing 	<p>The size of the proposed development would not be described as exceptional in the context of the existing environment.</p> <p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<ul style="list-style-type: none"> • No • No

and/or permitted projects?		
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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.</p>	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Conclusion 		
<ul style="list-style-type: none"> There is no real likelihood of significant effects on the environment. EIA not required. 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: Ian Campbell

Date: 16th April 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)