



An
Bord
Pleanála

Inspector's Report

ABP-318006-23

Development	Construction of 81 residential units, site access points (vehicular and pedestrian), boundary treatments, connection to site services (water and foul waste), and all associated site works and landscaping.
Location	Carrowbaun, Westport, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	23176.
Applicant(s)	Carrabaun Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party versus decision.
Appellant(s)	<ol style="list-style-type: none">1. Niall and Karen Quinn.2. Dermot McCabe.
Observer(s)	None.

Date of Site Inspection

6 June 2024.

Inspector

Stephen Rhys Thomas.

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Carrowbaun, at the south western outskirts of Westport town. The site has a stated area of 3.77ha and is about 700 metres from the town centre via the Great Western Greenway. A portion of the western site boundary is located along the N59 National Secondary Road (Leenane Road) from Westport to Leenane and on to Clifden. To the north of the site is an urban street (L2804) with a footpath on its northern side, then a footpath both sides closer to town after the junction with Lankhill Road. The eastern side of the site is bounded by a narrow country road (Lankhill Road – L2805) which serves the surrounding rural area to the south. The southern and northwest boundaries adjoin the curtilage of existing residential properties. There are a large number of low-density/detached housing along the surrounding roads to the east, west and north. The character of the area is transitional, with an established rural area of agricultural land and detached housing on large plots to the south of the site. There are other similar housing estates of a suburban character in the immediate vicinity of the site, however, higher density housing is located further to the north and comprises apartments and community facilities.
- 1.2. The northern section of the site is undeveloped and in use as grazing land and is slightly higher than the adjoining road. The southwestern section of the site adjacent to the N59 is also in grass and is set much lower than the road and then rises to meet the rest of the site in the east. The southeast section of the site comprises disturbed ground with large mounds of earthen spoil now much overgrown. There is an existing vehicular entrance off the country road to the east. The topography of this portion of the site slopes downwards to meet a mature planted boundary with a residence to the south.

2.0 Proposed Development

- 2.1. The proposed development of 81 dwellings comprises:
- 19 detached houses, all four bed and two storey in height
 - 14 semi-detached houses all three bed and two storey in height
 - 24 terraced houses all three bed and two storey in height blocks 1 and 2

- 24 apartment units, two bed units as an end of terrace three storey blocks 1 and 2.

With associated landscaping and a vehicular entrance taken from Lankhill Road.

Indicative junction realignment at Lankhill and Carrownbaun Road and provision of a footpath along Lankhill Road.

Cycle and pedestrian connections (proposed and future) at Lankhill Road, junction of Carrownbaun Road and Leenaun Road (N59).

Residential density of 21 dwellings per hectare, 81 dwellings across a site of 3.77ha.

2.2. Further information altered the development as follows:

- Detailed drawings of a junction realignment at Lankhill and Carrownbaun Road.
- Provision of a single storey Crèche (22 childcare spaces) of 222 sqm floor area, at the western portion of the site along the N59.
- Provision of a footpath inside the site boundary along the N59 and design adjustments to other footpath proposals.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification to grant permission subject to 28 conditions, most are standard or technical in nature, notable conditions include:

- Condition 11 alters the appearance of the upper floor of the apartment blocks facing the N59 to either two storey or third story set back, increases screen planting. Requirement for Bangor blue slates to all roof finishes of house type A, and metal standing seam type to all other buildings. Brick and render types are specified in detail.
- Condition 18 refers to phasing and temporary vehicular entrance closure.
- Condition 27 refers to a special contribution to fund a pedestrian crossing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

First Report

- Planning policy and history noted.
- Proposed density amounts to 21.8 units per hectare, current development plan seeks 20 units per hectare on inner suburban sites.
- 4 Items of further information requested.

Second Report

- Items of further information noted and accepted, outstanding issues can be managed by conditions.

3.2.2. Other Technical Reports

- Roads Design – further information required.
- Flood Risk – no objections.
- Archaeology – no objections.
- Architect – 3D contextual drawings are required.

Technical Reports after Further Information

- Roads - no objections subject to conditions.

3.2.1. Conditions

Condition 11 alters the appearance of the upper floor of the apartment blocks facing the N59 to either two storey or third story set back, increases screen planting.

Requirement for Bangor blue slates to all roof finishes of house type A, and metal standing seam type to all other buildings. Brick and render types are specified in detail.

Condition 18 refers to phasing and temporary vehicular entrance closure.

Condition 27 refers to a special contribution to fund a pedestrian crossing.

Should the Board be minded to grant permission, the conditions highlighted above, should be incorporated in to the Order.

3.3. Prescribed Bodies

Uisce Éireann – Pre-Connection Enquiry is required and to be forwarded to the PA.

3.4. Third Party Observations

- 3.4.1. Four submissions received, issues are similar to those set out in the grounds of appeal, specifically, poor quality urban design, car dominant environment, poor open space, residential density too low, non-compliance with CAP 23, traffic volumes and safety concerns, lack of childcare facilities, and procedural issues.

4.0 Planning History

4.1. Site

PA ref 20/365 and ABP-310971-21 – Permission refused for the construction of 46 houses. Two reasons for refusal, the first was in relation to an inefficient use of land, residential density too low. The second reason related to a variety of design issues.

PA ref 09/14: Permission granted for the construction of 39 dwellings.

5.0 Policy Context

5.1. Development Plan

5.1.1. Mayo County Development Plan 2022-2028

- 5.1.2. The Mayo County Development Plan 2022-2028 includes Objective SSO 13 that states: The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/housing targets.

Westport is designated as a Strategic Growth Town with a housing target of 285 housing units, Table 2.4 Core Strategy Table refers.

Core Strategy Objectives include:

CSO 3 - To adopt Local Area Plans for Ballina, Castlebar and Westport that align with the NPF, RSES and this Core Strategy. During the transition period between adoption of this County Development Plan and the adoption of the Local Area Plans for Ballina, Castlebar and Westport, the objectives (including zoning objectives), policies and standards in this County Development Plan shall apply to these towns.

Settlement Strategy Policies include:

SSP 2 - Support the continued growth and sustainable development of Ballina, Castlebar and Westport, as designated Tier I towns (Key Towns and Strategic Growth Town) in the Settlement Strategy, capitalising on Ballina's designation as a Key Town in the context of the Sligo Regional Growth Centre and Castlebar/Westport as a linked growth driver in the region.

Settlement Strategy Objectives include: SS0 2 (orderly development), 3 (sequential growth), 4 (higher densities and good design), 13 (zoning) and 14 (interim assessment).

Table 6.5 Road Projects in Mayo - N5/N59 Southern bypass of Westport

5.1.3. **Westport Town & Environs Development Plan 2010-2016**

SSO 13 of the current Mayo County Development Plan states: The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/housing targets.

According to Map 1 of the Plan, the appeal site is located within lands zoned as 'A3 Residential Phase I Low Density (4 units/acre or 10 units/ha)'. Section 5 of the Plan sets out the land use zoning objectives and states under '(A) Residential' that 'It is an objective of the Residential land use to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate'. It also states that 'no more than 10 units per hectare will be permitted in areas zoned A3 Residential Phase I Low Density'.

Section 4 sets out the policies and objectives of the Plan. Those relevant to the proposed development include:

PP-01 It is the policy of the Council to plan to provide sufficient land to accommodate the residential population needs of the town and environs and, in addition, to cater for the service needs of the people who live within the town's catchment area.

HP-03 It is the policy of the Council to have regard to the Department of Environment, Heritage and Local Government Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009 and Urban Design Manual – A best practice guide 2009 and any subsequent guidelines.

HO-10 It is an objective of the Council to encourage and facilitate the development of vacant and undeveloped residential lands through the use of all available tools and mechanisms.

TO-12 It is an objective of the Council to encourage a high standard of architectural design and layout in all developments.

LP-01 It is the policy of the Council to protect sensitive landscapes, including elevated lands, from development.

LUO-02 It is an objective of the Council to ensure that all proposed development is absorbed into the surrounding landscape so that it does not impinge in any significant way upon the character, integrity or uniformity of the landscape, in order to protect the landscape, regardless of its zoning.

LUO-05 It is an objective of the Council that lands phased for development shall only be considered for development when 70% of the land in the previous phase has been fully developed and subject to the establishment of proven evidence based demand for the development in accordance with the Regional Planning Guidelines for the West Region.

Section 7 of the Plan incorporates development control standards relating to various types of development. The standards are intended to provide guidance towards achieving a high quality of development and it is stated that the Council will apply the standards with discretion and having regard to the particular circumstances of a particular site and development.

Section 7.1 sets out guidance in relation to 'Roadside Development', addressing issues such as road safety and capacity.

Section 7.10 sets out standards relating to residential development, including the following:

- The control of density will depend on design and layout and local conditions.
- At least 90% of residential units on lands zoned Residential Phase I shall consist of dwellinghouses.
- New developments should achieve high quality living environments.
- A variety and mix of house types and sizes will be required in developments of 4 or more houses, including a significant percentage of detached houses.
- Public open space requirement is a minimum 10% of total site area.
- Private amenity space should not be less than 100m² for 3/4/5-bed houses

5.1.4. Draft Westport Local Area Plan 2023-2029

The Draft Westport Local Area Plan was published, and the public consultation phase has closed, 7th November 2023.

The site is situated on lands subject to zoning objective LUZ 5 New Residential - to provide for high quality new residential development and other services incidental to residential development.

5.2. Recently Published Guidelines

- 5.2.1. Having considered the nature of the appeal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines in addition to those considered in the preparation of the current development plan is the following:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 site is the Clew Bay Complex SAC, which is located approximately 1.5km to the northwest of the appeal site.

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 of my report refers.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals were received from residents in the general area. Qualified support is expressed for the residential development of the site in question. Similar issues are covered in both appeals and can be summarised as follows:

- Road Safety – the validity of the Road Safety Audit Stage 1 is questioned and relevant up to date drawings may not have been used. The width of Lankhill Road is narrow in places and the addition of the scale of development proposed could lead to a traffic hazard.

The additional vehicle movements could pose a risk along a road where there are no footpaths in place.

During the construction phase, the Lankhill Road will become congested and used by construction traffic ill suited to this narrow country road.

- Vehicular Entrance – there should be more than a single entrance to service 81 units, there is an opportunity to have a second or third vehicular access point along Lankhill Road.
- Residential Density – the density proposal of 21.8 units per hectare is too low and a more suitable density at this close to town centre location is upwards of 30 units per hectare.

- Housing Mix – the overall housing mix in each of the three phases of development is not appropriate.
- Design – open space is poorly set out and results in no public space that is usable and safe.

Asymmetrical roof design is not in common with vernacular building forms in the area and would impact on the heritage value of Westport.

The location of the higher density element of the scheme, end of terrace apartment units, will be located furthest from the town centre, not acceptable.

- Procedural – the required drawings were not submitted with the application. Contiguous elevations were eventually submitted after the five week submission period. The absence of drawings and condition 11, results in an inability to comment and this could harm the streetscape of the town.
- Planning conditions – condition 11 is vague and could further lessen density on the site, part V housing could be impacted and each phase of development should deliver an appropriate housing mix.

6.2. Applicant Response

The applicant prepared a response to the grounds of appeal and rebuts each issue, summarised as follows:

- Density – proposed density (21.8 gross and 23.8 net) responds to the rural character of the area, the previous reason for refusal, development plan policy, national guidance (circular NRUP 02/2021) and the draft Westport LAP.
- Phasing – it is likely that the development will be constructed in a single phase.
- Design – the design approach employed is described in detail and augmented with photomontage/CGI drawings. With regard to condition 11 and set-back, this will not remove any units from the scheme.
- Traffic – the RSA is defended as being compiled adequately and with reference to baseline conditions and relevant drawings. It is explained that the

concerns raised in relation to traffic and road safety have already been addressed by the further information submitted and the planning conditions attached by the planning authority.

6.3. Planning Authority Response

6.3.1. None

6.4. Observations

6.4.1. None.

7.0 Assessment

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

- Zoning and Density
- Roads
- Design
- Other Matters

7.2. Zoning and Density

- 7.2.1. The residential density proposal of 21 dwellings per hectare is considered to be too low by one of the appellants and a more suitable density this close to the town centre location is upwards of 30 dwellings per hectare. The substantive issue of residential density is interconnected with land use zoning at this location and the status of the relevant statutory plan for the area. With that in mind, I consider land use zoning in the first instance and conclude with an assessment of residential density.
- 7.2.2. Zoning - The Mayo County Development Plan 2022-2028 includes Objective SSO 13 that states: The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such time as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/housing targets.
- 7.2.3. The appeal site is located on lands zoned 'A3 Residential Phase I Low Density (4 units/acre or 10 units/ha)' in the previous plan. The Westport Town and Environs Development Plan 2010-2016 is now expired. The Draft Westport Local Area Plan was published, and the public consultation phase has closed, 7th November 2023. I note that the site remains situated on lands subject to residential zoning, objective LUZ 5 New Residential - to provide for high quality new residential development and

other services incidental to residential development is provided for the in the draft LAP.

- 7.2.4. The proposed residential and childcare uses, are permitted in principle on lands zoned residential. The planning authority and observers to the planning application have not raised any concerns about the uses proposed by the applicant. I am satisfied that the principle of the development proposed is acceptable and in accordance with the zoning objective for these lands on the edge of Westport town. The proposed development is located in an area zoned for residential uses. The principle of development is therefore acceptable, subject to the detailed considerations below.
- 7.2.5. Density – The proposed development now before the Board responds to a previous scheme refused permission by reference to an inefficient use of zoned and serviced land due to low residential density, ABP-310971-21 refers. The applicant now proposes a residential density of 21 dwellings per hectare and this would broadly align with the current County Development Plan for such a location, section 3.4.11 of that plan refers. In addition, and with respect to Objective SSO 13 of the development plan, the draft Westport LAP aligns with the core strategy with reference to residential density. In summary, the statutory plan for the area seeks a residential density of 20 units per hectare and this is set down in accordance with the Sustainable Residential Development in Urban Areas (2009), section 1.10 of the county development plan refers.
- 7.2.6. The current development plan references the Sustainable Residential Development in Urban Areas. However, I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. These new guidelines critically examine the issue of residential density and replace earlier documents. To ensure consistency planning authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for

residential densities for Mayo in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. Throughout my assessment, I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, as the 'Compact Settlements Guidelines'.

- 7.2.7. The draft Westport LAP has no status with reference to this appeal, despite Objective SSO 13 of the county plan. Nevertheless, and in the interests of an awareness of emerging policy. I note that the draft Westport LAP does not specifically reference the new guidelines but does state that site-specific approach to development densities should accord with the core strategy of the development plan and the relevant Section 28 Ministerial Guidelines.
- 7.2.8. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. According to the Westport Town & Environs Development Plan 2010-2016, the population of Westport amounts to 5,163 persons and section 1.2 of the current county development plan states that the population of Westport amounts to 6,198 persons. The core strategy of the development plan identifies Westport as a Tier 1(b) Strategic Growth Town. Section 3.3.3 Key Towns and Large Towns (5,000+ population) of the Compact Settlements Guidelines therefore applies to Westport. One of the key priorities for key and large towns is to deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement. Table 3.5 of the guidelines states that for urban extension sites such as the appeal lands, that residential densities in the range 30 to 50 dwellings per hectare (net) shall generally be applied. Given the lack of local public transport networks, I consider that densities of up to 80 dwellings per hectare (net) are not appropriate here and the applicant identifies that local urban bus networks are not present in Westport.
- 7.2.9. Appendix B of the Compact Settlements Guidelines provides assistance in determining the residential density of a site. It is explained that a net site density measure is a more refined estimate than a gross site density measure and includes only those areas that will be developed for housing and directly associated uses. Table 1 of appendix B sets out what should and should not be included for the

purposes of a net density calculation. There are no obvious areas of land that cannot be developed due to environmental sensitives, topographical constraints or subject to flooding and I am satisfied that the entire site can be used to assess the net density of the proposal. I am satisfied that the net site area should amount to 3.77 hectares. To use the worked example outlined in the Compact Settlements Guidelines, net density can be calculated thus:

Required Information

Net Site Area = 3.77 hectares

Overall GFA = 10,290 sq. metres

Residential GFA = 10,068 sq. metres

Non-residential GFA = 222 sq. metres (crèche)

Number of residential units = 81

Calculation

Residential GFA as a portion of development = $10,068 / 10,290 = 98\%$

Site area for density purposes = $(3.77\text{ha} \times 98\%) = 3.69$ hectares

Residential density = $81 / 3.69 = 22$ dwellings per hectare (net)

The calculation reveals that the net residential for the appeal site is 22 dwellings per hectare.

- 7.2.10. I have already stated that the current development plan relies on previous guidelines now revoked with respect to residential density. I find that the current development plan allows for flexibility with regard to residential density and the newer Compact Settlements Guidelines simply provides more clarity and similar flexibility on the matter. However, the proposed residential density of 22 dwellings per hectare (net) is low even considering the context of the site. That being so, I am satisfied that a density range between 30 to 50 dwellings per hectare (net), is more appropriate at this location. The proposed density of 22 dwellings per hectare (net) falls significantly below the minimum residential density sought by the Compact Settlements Guidelines and this would result in a poor use of zoned and serviced land close to the broad range of facilities and amenities at the edge of Westport, permission should be refused on this basis.

7.3. Roads

- 7.3.1. Appellants have a number of concerns about the development and how it would impact on existing roads and safety. Specifically, the validity of the Road Safety Audit Stage 1 is questioned and relevant up to date drawings may not have been used. In addition, it is stated that the width of Lankhill Road is narrow in places and the addition of the scale of development proposed could lead to a traffic hazard. In general, appellants are critical of the lack of footpaths in the area, the provision of a single entrance and the likelihood of congestion during construction and afterwards.
- 7.3.2. In response the applicant states that the RSA was compiled adequately and with reference to baseline conditions and relevant drawings. It is explained that the concerns raised in relation to traffic and road safety have already been addressed by the further information submitted and the planning conditions attached by the planning authority. In that context, I note that the planning authority raised no particular issue with regard to the development from a traffic perspective and attached conditions with regard to footpath, junction and pedestrian crossing technical requirements.
- 7.3.3. In overall terms the development includes many improvements to the pedestrian facilities in the area and realigns the junction from the Lankhill Road onto the L2804. All of these matters were addressed to the satisfaction of the planning authority by the further information submitted by the applicant on the 8th August 2023. I have examined the revised drawings and can see that a new footpath will run the length of the eastern boundary of the site from the proposed vehicular entrance at the south. The realignment of the junction to the north and the provision of a pedestrian crossing will enable more sustainable forms of transport to and from the town centre. The internal arrangement of the site is focused on pedestrian permeability, and I note that a footpath is provided close to the N59. The lack of a footpath on either side of the of the N59 is problematic, however, I am satisfied that the applicant's proposal within their lands to provide a footpath that could join up with any future proposals is acceptable.
- 7.3.4. I note the preparation by the applicant of a Traffic and Transport Assessment and its conclusions that the local road network will operate within capacity up to 2040. Given the junction capacity analysis set out in the report I am satisfied that the additional

traffic flow generated by the proposed development is acceptable. I do not anticipate any adverse impacts from additional traffic that would result in traffic congestion to any perceptible levels once the scheme is operational. With respect to traffic during the construction phase of development, I am satisfied that an appropriate condition could be attached to require a traffic management plan for the area.

- 7.3.5. With reference to the need for a second or third vehicular entrance, it is evident from drawings that this was not explored. I note that the Architect's Design Statement discusses the topic of connections but concentrates more on pedestrian/cycle connections from the site rather than the need for any additional vehicular entrances. Additional vehicular entrances to the site would provide greater permeability but this is unlikely to provide any meaningful or strategic links through the site. I am satisfied that given the quantum of development and site size that a single vehicular entrance is broadly acceptable, and the drawings, studies and audits prepared by the applicant are sufficiently detailed to explain the rationale for the development as proposed.

7.4. Design

- 7.4.1. Appellants are critical about the overall design of the scheme in the context of Westport and its reputation for good architecture. Key criticisms are levelled at the arrangement of open space and that no usable and safe open space will be available for future occupants. In terms of the unit design, the asymmetrical roof design is not in common with vernacular building forms in the area and would impact on the heritage value of Westport. In terms of layout, the location of higher density units away from the town centre is criticised and the overall housing mix in each of the three phases of development is not appropriate.
- 7.4.2. The applicant defends the development and points to the Architect's Design Statement that sets out the scheme parameters. The layout and landscape design have been thoroughly worked out and will result in a number of spaces that are well overlooked. It is explained that shared amenity spaces have not been included in the overall calculation of open space.
- 7.4.3. The planning authority are relatively satisfied with the overall design and layout of the proposed development. Conditions have been attached concerning landscape design, to moderate height in some places and to ensure a coordinated approach to

building finishes that are acceptable to Westport, conditions 16 and 11 of the notification to grant permission refer.

- 7.4.4. I acknowledge that the overall layout and design of the proposed scheme has been well thought through, the Architect's Design Statement, Landscape Package and all associated drawings are noted. However, I have already raised significant concerns about the residential density of the proposed scheme and this has repercussions for any layout design and provision of open space, section 7.2 of my report refers. With reference to the design and layout of each dwelling unit, I can see that standards have been met and the planning authority have recommended aesthetic amendments to which I agree. In terms of the overall design and layout of the scheme proposed by the applicant and approved by the planning authority, I have some concerns. Open spaces are scattered throughout the site, and all are well overlooked, that is acceptable. I am unsure how the shared amenity spaces to the rear of blocks will work out in reality. In this respect, I have similar reservations as outlined by the appellants. The applicant has proposed an innovative layout that includes semi-private amenity spaces to the rear of dwellings and explains that these spaces are in addition to public open spaces. The rear spaces are overlooked from each dwelling unit in the group and are intended for the very local use by residents. I anticipate that the use of these spaces will require some kind of management and supervision agreements to be in place and for each space to be secured by fencing and gateway. I note that the planning authority did not share the same concerns and in this instance, I do not recommend refusing permission on this basis as outstanding issues can be addressed by an appropriately worded condition.

7.5. Other Matters

- 7.5.1. Procedural – an appellant is concerned that the required drawings were not submitted with the application and that contiguous elevations were eventually submitted after the five week submission period. The absence of drawings and the application of condition 11, results in an inability to comment and this could harm the streetscape of the town. I note the planning application was accepted and validated by the planning authority, further information was sought, observers informed and conditions attached to the notification to grant permission. All of these steps followed the requirements of the Regulations and the Act. The appellant has been engaged with the planning process and has submitted an appeal, duly accepted by the Board,

I am satisfied that the correct procedures have been followed and no limitations to any third party rights have been affected.

- 7.5.2. Housing Mix – an appellant raises a concern about the mix of house types in each phase of the development. In terms of the overall development, I am satisfied that an appropriate mix of house types is proposed. If the Board are minded to grant permission, an appropriately worded condition could be attached in order to agree a phasing plan in advance of the commencement of development.

8.0 AA Screening

8.1. Introduction

- 8.1.1. I have considered the housing scheme in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The nearest Natura 2000 site is the Clew Bay Complex SAC, which is located approximately 1.5km to the northwest of the appeal site.
- 8.1.3. The proposed development comprises 81 houses and a cr che. No nature conservation concerns were raised in the planning appeal.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The residential nature of the development
 - The distance from the nearest designated site and lack of meaningful connections
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- 8.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The proposed development is located at the edge of the town and on lands that are zoned A3 Residential Phase 1, in the Westport Town and Environs Development Plan 2010-2016, the zoning objectives of which remain place as directed by Objective SSO 13 of Mayo County Development Plan 2022-2028. Until such time as the relevant statutory plan is reviewed or a view formed concerning consistency with the policies and objectives of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, residential densities shall be considered in the context of the new guidelines. Consequently, it is considered that the proposed density of the scheme at twenty two (22) dwellings per hectare (net), would represent an inappropriately low density and inefficient use of zoned and serviced residential lands. Furthermore, having regard to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, specifically section 3.3.3 Key Towns and Large Towns (5,000+ population) the range of 30 to 50 dwellings per hectare (net) shall generally be applied at the suburban and urban extension locations of Key Towns and Large Towns, the Board considered that the proposal would fail to achieve a satisfactory density of residential development in accordance with Ministerial Guidelines. Accordingly, it is considered that the proposed development would represent an inefficient and unsustainable use of zoned land and would be contrary to the proper planning and sustainable development of the area.

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

Stephen Rhys Thomas
Senior Planning Inspector

27 June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318006-23			
Proposed Development Summary	81 residential units.			
Development Address	Carrowbaun, Westport, Co. Mayo.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		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	✓		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	✓	10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units	Scale of development is considerably less than 500 dwelling units, on a site of 3.77 Hectares.	No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____ **Date:** _____