



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-320593-24

<b>Development</b>	Construction of 19 apartments and all associated site works.
<b>Location</b>	North of junction of Pontoon Road and Turlough Road, Castlebar, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	24/60346
<b>Applicant</b>	Harold Conway
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Harold Conway
<b>Observers</b>	1) Michael Kilcoyne 2) Martin & Marion Feeney, & Gerry Howley 3) Helen & Michael Mac Hale 4) Peter Moran & Stephanie Coyne

**Date of Site Inspection**

20<sup>th</sup> February 2025

**Inspector**

Ian Campbell

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.163 ha, is located at the junction of Pontoon Road (R310) and Turlough Road (L1719), c. 300 metres north of the centre of Castlebar.
- 1.2. The main body of the appeal site<sup>1</sup> is broadly triangular in shape, relatively flat and is bound by a 'weld mesh' type fence. The appeal site is vacant and was formally used as a coal yard. Part of the public road and footpath is included within the red line boundary of the appeal site<sup>2</sup>.
- 1.3. Sacred Heart Hospital is located to the west of the appeal site. The lands to the immediate north accommodate a pumping station. Further north there is a petrol filling station. Castlegrove, a housing development comprising two storey terraced housing is situated to the east of the appeal site. The terraces within Castlegrove are bookended by three storey units. At the time of my site inspection construction was underway on a development of 2-3 storey houses on a site to the north-east (PA. Ref. 22/886 refers). The predominate building typology in the area is two storey housing.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;

- Construction of a part 4/part 5 storey building comprising 19 no. apartments –
  - 9 no. 1 bedroom units
  - 10 no. 2 bedroom units

The proposed building has a maximum height of c. 20 metres and a shoulder height of c.16 - 18 metres. Material finishes to the proposed building comprise cement render, timber and zinc cladding.

- Pedestrian and cycle access from Pontoon Road and Turlough Road.
- Site landscaping, cycle parking (40 no. spaces & 10 no. visitor spaces), bin stores, communal and private amenity space, and ancillary works.

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<sup>1</sup> Stated area 0.0637 Ha/637 sqm.

<sup>2</sup> When the area of public footpaths/roads are included the area of the site is stated as being 0.163 ha.

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

- Cover Letter
- Architectural Design Statement
- Stage 1 Road Safety Audit (RSA)
- Planning Report – Drainage
- Transport Statement
- Construction, Environmental & Waste Management Plan

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 25<sup>th</sup> of July 2024 for 4 no. reasons, summarised as follows;

1. The site is zoned 'Enterprise and Employment' therefore, the proposed residential development would materially contravene the land use zoning objective of the Castlebar Town and Environs Local Area Plan 2023-2029.
2. The proposed development, on a prominent corner, would be visually obtrusive due to the excessive size and scale of the proposal relative to the surrounding area.
3. The proposed development represents an excessively high-density development at 116 dpha, and would give rise to overdevelopment of the site, and would potentially overshadow neighbouring properties to the north.
4. The applicant has not demonstrated that the absence of parking provision would not disrupt the normal operation of the junction of the R310 and L1719, and would not endanger public safety by reason of traffic hazard.

## 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 proposed development would be visually obtrusive due to its excessive size and scale relative to the surrounding area.
- Section 4.4 of Mayo County Development Plan 2022-2028 classifies the site as immediately adjacent to town centre with a minimum recommended density of 35 dpha. The proposal of 19 units on a site area of 0.163ha equates to a density of 116 dpha.
- Section 4.5.4 of Mayo County Development Plan 2022-2028 requires the submission of Daylight and Shadow projections. In the absence of same it has not been demonstrated that the proposed development will not overshadow properties to the north.
- as per Section 5.3.4 of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, the proposed development requires 38 car parking spaces and 3 disabled parking spaces. This proposal provides no on-site parking. Section 4.29 of the Sustainable Urban Housing: Design Standards for new Apartments 2023 allows for a relaxation of car parking provision subject to overall design quality and location. The proposed development is located adjacent to the R310 and L1719 intersection which is an extremely busy junction. On-site parking is required at this location to avoid the occupants and visitors parking on the road edge and thereby causing disruption to the normal operation of the junction and the existing pedestrian crossing.

#### Other Technical Reports.

3.2.2. Road Design – report recommends Further Information in respect of car parking.

Municipal District Architect - report recommends refusal of permission (on basis of zoning, excessive density, lack of car parking and design).

### 3.3. Prescribed Bodies

None.

### 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;

- Overlooking.
- Overshadowing.
- Inadequate/absence of car parking provision.
- Proposal is overdevelopment/excessive density.
- Noise impacts.
- Traffic safety concerns.
- Impact on visual amenity/character of area/excessive height.
- Lack of amenity areas.
- No access for fire services.
- Potential for anti-social behavior.
- Possible structural damage.
- Contravenes land-use zoning.
- Procedural issues with application.
- Lack of infrastructure to support development.
- Potential to hamper ambulance service.
- Impact on residents of the Sacred Heart Home.
- Possible site contamination.
- No EIAR submitted.
- Construction Management Plan required.
- Precedent for other developments.

## 4.0 Planning History

### Appeal Site

No recent/relevant planning applications pertaining to appeal site.

Lands to north-east

**PA. Ref. 22/886** – Permission GRANTED for mixed use development and 4 no. detached housing units (two no. three-storey units and two no. two-storey units).

## 5.0 Policy Context

### 5.1. National Policy

#### 5.1.1. National Planning Framework ‘Project Ireland 2040’<sup>3</sup>

Relevant Policy Objectives include:

- **National Policy Objective 7:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- **National Policy Objective 12:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being..
- **National Policy Objective 22:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth..
- **National Policy Objective 43:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 45:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing

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<sup>3</sup> Revised NPF April 2025.

buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

## **5.2 Ministerial Guidelines**

5.2.1 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).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)<sup>4</sup>.
- 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).

## **5.3. Development Plan**

5.3.1. The relevant Development Plan is the Mayo County Development Plan 2022-2028. Land-use zonings for Castlebar are provided in the Castlebar Town and Environs Local Area Plan 2023 – 2029 (see below). At the time writing this report Proposed Variation No. 1 to the Mayo County Development Plan 2022 – 2028, which includes the incorporation of the land-use zoning maps for the Castlebar Town and Environs

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<sup>4</sup> As the planning application (PA. Ref. 24/60346) was lodged prior to the issuing of the 2025 Apartment Guidelines (i.e. 8<sup>th</sup> July 2025) the applicable guidelines for the purpose of this assessment are those issued in July 2023.

Local Area Plan 2023 – 2029 into the Mayo County Development Plan 2022 – 2028, was on public display.

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

**Volume 1 (Written Statement)**

**Chapter 3 – Housing**

- Policy TVHP1 (residential schemes)
- Policy TVHP2 (residential developments)
- Policy TVHP5 (density)
- Policy TVHP6 (design)
- Objective TVHO2 (density)
- Objective TVHO3 (apartment guidelines)
- Objective TVHO5 (density and height)
- Objective TVHO6 (movement, placemaking, streetscape design)
- Objective TVHO8 (layout and finishes)

**Volume 2 (Development Management Standards)**

- Section 3.2 Urban Design Principles
- Section 3.3. Building Heights
- Section 4.4. Density
- Section 4.5.3. Urban Infill
- Section 4.7 Public Open Space
- Section 4.16 Apartments
- Section 7.12.1. Car Parking & Table 7 Car Parking Standards
- Section 7.12.5 In lieu Parking Charges

5.3.3. The provisions of the Castlebar Town and Environs Local Area Plan 2023 - 2029 relevant to this assessment are as follows:

- The appeal site is zoned 'LUZ 3 - Enterprise & Employment', the objective of which is '*to provide land for industrial, enterprise and employment uses*'. Apartments are 'not normally permitted' under the 'LUZ 3 - Enterprise & Employment' zoning.
- Objective DSO7 – (Design)
- Section 6.4.3 - (Residential Density, Mix & Design)
- Section 6.4.4 – (Density)
- Section 6.4.5 - (Mix & Height)
- Policy HSCP 6 – (Housing Mix and Density)
- Policy HSCO 6 – (Compliance with SPPR's)

#### 5.4. **Natural Heritage Designations**

- River Moy SAC (Site Code: 002298) - c. 3.5 km north-east.

#### 5.5. **EIA Screening**

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the 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 under the following headings;

##### General:

- The site is a town centre site and the proposal is suited to such a location. The site is akin to a 'central and/or accessible urban location' (as per Apartment

Guidelines), and is akin to an 'urban neighbourhood' in the context of the Compact Settlement Guidelines.

- Car parking should be considered in the context of national policy, and the promotion of active travel. The proposed residential use of the site would generate less traffic than an enterprise use.
- The zoning of the site is not compatible/unrepresentative of site in terms of its location and context, being applied in default, and lacks granular consideration.
- There is a housing shortage in Castlebar, which the proposal would assist in addressing.
- The preservation of the site's industrial appearance is at odds with policies of the County Development Plan (CDP). The site has no particular sensitivities.
- The proposal is compatible with the character of the area, including the adjacent nursing home. The proposal could offer housing of older people.
- The density of the proposal is appropriate to the location. Buildings in the area are up to 3 storey in nature. The site can accommodate a landmark building of scale.
- A revised proposal (inc. Architectural Design Statement), addressing the refusal reasons, has been submitted with the appeal for the Commission's consideration (see Appendix C and D). Changes to the scheme include - a reduction in the height of the building from 5 to 4 storeys; 17 no. apartments in lieu of 19 no. apartments; and the provision of bollards to address overspill car parking in the area.

#### Land Use Zoning:

- The exceptional circumstances, as provided for under the LAP, exist in this instance to allow for consideration of apartments, specifically –
  - the previous use of the site as a fuel depot does not complement surrounding uses.
  - the site has limited potential for enterprise/employment use.
  - there is a shortage of housing.

- The contravention of the Development Plan is not necessarily a material contravention. The use of the site for residential purposes does not represent a departure from the fundamental principles of the plan given –
  - (i) the pattern of residential use in the vicinity;
  - (ii) the employment strategy for the overall LAP;
  - (iii) the small scale of the site and small effect on the overall objectives of the LAP; and
  - (iv) as the objectives of the LAP would not be breached in a significant way.
- Should the proposal be considered to be a material contravention the following should be noted in the context of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended;
  - Conflicting/Unclear Objectives i.e. s. 37 (2) (b) (ii)
 

the existing zoning of the site is not representative of its location or context. The appeal submission refers to a number of objectives from the Mayo County Development Plan and the Castlebar LAP, including those which support compact growth, regeneration, residential development, and higher densities, and the appellant states that the proposal accords with these objectives. The uses which are permissible and open for consideration under the prevailing zoning do not align with the characteristics of the site.
  - Planning Guidelines/Government Policy i.e. s. 37 (2) (b) (iii)
 

the proposal would be consistent with relevant guidelines and proper planning and sustainable development. The proposal would give effect to the objectives of national guidelines and Government policy, including the NPF; Housing for All; RSES; Compact Settlement Guidelines; Apartment Guidelines; Building Height Guidelines and the Mayo CDP.

▪ Pattern of Development i.e. s. 37 (2) (b) (iv)

there has been a pattern of housing developments being granted through the material contravention process within the County (examples cited). Examples are also referred to where densities have been permitted in excess of notional densities.

Height & Massing:

- The site can absorb the proposal noting the pattern of development in the area, the massing of the proposal and the width of the streets. The Building Height Guidelines refer to the acceptability of 4 storey buildings at locations such as the appeal site.

Car Parking:

- Cycle parking has been prioritised over car parking.
- There is capacity for the scheme to be amended to provide loading/drop-off parking along Turlough Road.
- The proposal is targeted for a cohort who do not require car parking (figures provided in appeal submission setting out the appellant's position in this regard). This approach aligns with planning and transport policy.
- Car sharing can be accommodated at the site.
- The Planning Authority have previously permitted schemes with no car parking (examples cited, including Part VIII schemes).

Disruption to R310 - L1719 Junction:

- The PA's departmental assessments do not discuss the extensive documentation submitted, e.g. the RSA and Transport Statement.
- The assumption that the absence of car parking would lead to illegal parking is spurious.
- The applicant is amenable to the provision of parking bays and bollards along the site frontage to address the concerns raised in relation to impacts on the junction.
- The proposal is small scale and would not result in notable vehicle movements.

- The previous use of the site would have entailed HGV traffic and the proposal is therefore more benign in this regard.

#### Density:

- The dwelling per hectare density calculation is not a fitting metric given the size of the site.
- The LAP recommends a site specific approach to density.
- The density proposed is in line with national planning policy.
- Densities of 400 dwellings per acre have recently been permitted in Castlebar.

#### Visual Impact/Landscape:

- Documentation submitted demonstrates the ability of the site to absorb the proposal. The site is an urban infill site surrounded by high density residential housing.
- The scale of the proposal can be amended if required, although the impact of a four storey building would be considered in the same impact range as a five storey building.
- The proposal is an expected form of development on an urban infill site.
- The landscape is already compromised by the condition of the existing site.
- Preservation of the site's existing character is not sustainable.
- Prominence should not be conflated with obtrusiveness.
- It is not an objective to preserve the urban landscape, which is in flux.

#### Overshadowing:

- A Shadow Analysis has been submitted. Property to the north is not subject to overshadowing. The extent of shadows cast is similar in extent to surrounding blocks, with even single storey buildings being shown to cast long shadows in the analysis.

## **6.2. Planning Authority Response**

None received.

### 6.3. Observations

4 no. observations were received. The issues raised in the observations are summarised as follows.

#### Cllr. Michael Kilcoyne

- The proposal is overdevelopment of a small site at a major junction.
- The proposal is out of character with the area.
- There are more suitable sites in Castlebar.
- The proposal would result in overshadowing.
- Car parking would overspill into the adjacent area as a consequence of there being no car parking provided within the scheme. Haphazard car parking could impact the operation of the HSE ambulance service which is based within the Sacred Heart complex.
- Potential construction related impacts on the adjacent nursing home.
- The site may have been contaminated by the previous use.

#### Martin & Marion Feeney, & Gerry Howley

- The proposal is overdevelopment of a small site at a major junction.
- There are more suitable sites in Castlebar.
- The proposal would result in impacts on the visual and residential amenities of the area, and would result in overshadowing.
- The proposal would create a precedent.
- Lack of play space for children.
- Fire risk.
- Haphazard car parking could impact the operation of the HSE ambulance service which is based within the Sacred Heart complex.
- Potential construction related impacts on the adjacent nursing home.

#### Michael & Helen MacHale

- The proposal materially contravenes the zoning objective of the site.

- The proposal is out of character with the area, with reference to its scale and height, and would impact the visual and residential amenities of the area/property.
- The proposal would result in overshadowing and overlooking. No shadow study submitted. Proposal could affect the effectiveness of solar panels on a nearby building.
- The proposal is excessive in terms of density, and represents over development of the site. A 5 storey building would represent a precedent in Castlebar, if not Co. Mayo.
- Proposal would result in anti-social behaviour.
- Traffic impact.
- Haphazard parking could affect the operation of ambulances on the adjacent site. Proposal would result in cars being parking in the adjoining housing estates.
- Application form was not signed.
- Site should be purchased by the Local Authority and used to provide a round-a-bout.
- Management and future use of proposal raised.
- The Local Authority did not consult the public in relation to allowing the applicant to use public areas within the application.
- The site could be contaminated.
- Concern in relation to the design of the apartments, in particular-
  - the absence of a privacy strip around the apartments, as recommended in the Apartment Guidelines;
  - the narrowness of the hallways;
  - absence of car parking (which would cause a traffic hazard), and which contravenes Section 7.12 of the Mayo County Development Plan.

- quantum, configuration, location and design of communal amenity space;
- waste and storage provision;
- fire/emergency access.

Peter Moran and Stephanie Coyne

- Traffic impact/safety concerns.
- Concerns regarding the height of the proposal, and potential or overshadowing of adjacent property to occur.
- No amenities provided for residents.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, 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 (zoning)
- Refusal Reason 2 (visual impact)
- Refusal Reason 3 (overdevelopment/overshadowing)
- Refusal Reason 4 (car parking/traffic impact)
- Issues Arising.
- Appropriate Assessment

Revised Design/Proposal - The appellant has submitted a revised design for the proposed development in response to the reasons for refusal. The revised design includes a reduction in the height of the proposal/omission of upper floor and a reduction in the number of apartments from 19 no. to 17 no. I note that members of the public have not had an opportunity to make observations on the revised scheme and as such I have based my assessment and subsequent recommendation to the Commission on the original proposal submitted to Mayo County Council on the 8<sup>th</sup> of June 2024.

## 7.2. Refusal Reason 1 (zoning)

- 7.2.1. The appeal site is zoned 'LUZ 3' - 'Enterprise and Employment' in the Castlebar Town and Environs Local Area Plan 2023-2029. Apartments are 'not normally permitted' under the 'LUZ 3 - Enterprise & Employment' zoning in LAP (see Table 11.2) and the first reason for refusal cited by the Planning Authority states that the proposed development would materially contravene this land use zoning objective.
- 7.2.2. In response, the appellant contends that the exceptional circumstances<sup>5</sup>, as provided for under LAP, exist to allow for consideration of apartments at this site, specifically, that the previous use of the site as a fuel depot does not complement surrounding uses; that the site has limited potential for enterprise/employment use; and that there is a shortage of housing in the area. The appellant states that the contravention of the Development Plan is not necessarily a 'material contravention' as the use of the site for residential purposes does not represent a departure from the fundamental principles of the plan for reasons including, the pattern of residential use in the vicinity and the small scale of the site.
- 7.2.3. As addressed above, apartments are 'not normally permitted' under the 'LUZ 3 - Enterprise & Employment' zoning in the Castlebar Town and Environs Local Area Plan 2023-2029. In my view, irrespective of the size of the site and the pattern of development in the vicinity, the proposed use would be a fundamental departure from the LAP as apartments are expressly stated as not normally permissible under the applicable land use zoning for the site. In my opinion the proposed development, if permitted, would represent a material contravention of the Castlebar Town and Environs Local Area Plan 2023-2029. I note that the Planning Authority, in the first reason for refusal, have not refused permission on the grounds that the proposed development materially contravenes the development plan, but rather that it materially contravenes the zoning contained in the Castlebar Town and Environs LAP and as

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<sup>5</sup> With respect to classes of development 'not normally permitted' (see page 117 Castlebar LAP) the LAP states that '*the subject use is generally incompatible with the written zoning objective and will not be favourably considered by the Local Authority, except in exceptional circumstances and in such instances, the development may represent a material contravention to the plan*'.

such the Commission are therefore not constrained by the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000, as amended.

- 7.2.4. The appellant contends that the proposal should be considered under the exceptional circumstance provision referred to in the LAP. I do not consider that the previous use of the site would justify permitting a proposed use which is stated in the LAP as not normally permissible, and I do not consider that the site is significantly constrained in terms of its size or configuration to render it unsuitable for the enterprise/employment use for which it is zoned for. Regarding housing shortage, I note that the LAP provides c. 37 Ha. of residentially zoned land within the settlement boundary of Castlebar, and that the LAP was adopted in November 2023 and therefore is in the early stages of the plan period. Having regard to the forgoing, I do not recommend that permission is granted and I recommend that the first reason for refusal should be upheld.

### **7.3. Refusal Reason 2 (Visual Impact)**

- 7.3.1. The second refusal reason concerns the visual impact of the proposal, which the Planning Authority consider would be visually obtrusive due to its excessive size and scale relative to the surrounding area.
- 7.3.2. In response, the appellant contends that the site can absorb the proposal, being surrounded by high density residential housing; that there is an expectation of a building of the nature proposed on an urban infill site; that the landscape is already compromised by the condition of the existing site; and that preservation of the site's existing character is not desirable.
- 7.3.3. The proposed development is described in the development description contained in the public notices as comprising a part four, part five storey building. The building is contemporary in design, and presents as five storey to Pontoon Road and four storey to Turlough Road, and has a maximum height of c. 20 metres, and a shoulder height of c. 16 - 18 metres. The character of the area is predominantly low rise, with two storey buildings being the most prevalent typology in the area. The end of terrace units in Castlegrove are three storey and construction is underway on a site to the north-east on 2 – 3 storey houses.

7.3.4. The proposed building would be significantly taller than the buildings in the vicinity, which are predominantly two storey in nature. I note that SPPR 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, provides that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure, inter alia a greater mix of building heights. Section 3.6 of the Guidelines however notes that '4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets'. I do not agree with the appellant's assertion that the appeal site has capacity to readily absorb a proposal of up to 20 metres in height, primarily due to the degree of divergence which would arise as result of the proposal when viewed within the established streetscape at this location. I note that the Urban Development and Building Heights Guidelines recognises the importance of the context of the site in relation to proposals for buildings above four stories. Additionally, the site is prominent, particularly when viewed from the south and given the size and configuration of the site, there is little or no opportunity to set the building off boundaries or to provide any landscaping or effective boundary treatment. In my opinion the proposal is not cognisant of the context or the character of the site, or the scale and form of surrounding development, and would be incongruous within the adjacent area. In my view, the proposal, by virtue of its height and scale, would dominate the area in the immediate vicinity of the site, and would adversely affect the visual amenities of the wider area. For the reasons set out above I recommend that the second reason for refusal should be upheld.

#### **7.4. Refusal Reason 3 - Overdevelopment/Overshadowing**

7.4.1. The Planning Authority state, in the third reason for refusal, that the proposed development represents an excessively high-density development at 116 dpha, would give rise to overdevelopment of the site and would potentially overshadow neighbouring properties to the north.

7.4.2. In relation to density, Table 2 (page 17, Volume 2) of the Mayo County Development Plan 2022 – 2028 sets out minimum density requirements for specific locations. A minimum density of 35 dpha is provided for at locations referred to as 'town

centre/immediately adjacent to town centre', with higher densities requiring justification based on design, location etc.

- 7.4.3. Section 2.8.4 of the Castlebar Town and Environs Local Area Plan 2023-2029 states that *'the Plan adopts a site-specific approach to development densities. The density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics, local conditions, design sensitivities, connectively and overall quality of the scheme and having regard to the various provisions within the development management guidelines, as set out within the Mayo County Development Plan 2022-2028 and the relevant Section 28 Ministerial Guidelines'*. I note therefore that the Castlebar LAP does not prescribe a particular density/density range, with density being determined based on the nature of the site and adjoining area, and having regard to the CDP and Section 28 Guidelines.
- 7.4.4. The Planning Authority have calculated the density of the proposed development to be 116 dpha, I note that this calculation is based on a site area of 0.163 ha., i.e. the site area which includes the public footpath and road surrounding the site. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in relation to the calculation of net and gross density. The Guidelines states that *'gross density is a general measure of the number of residential units within a defined geographic area that includes all land. Net residential density is a more refined measure of the number of residential units within a defined geographic area that includes the areas to be developed for housing and ancillary uses only'*<sup>6</sup>. I note that the parts of the site comprising footpaths and roadways are not being developed for housing, but rather have been included to facilitate the provision of services. Table 1, Appendix B of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) states that in differentiating between net and gross density, major road/streets such as arterial streets and link streets as defined by Section 3.2.1 DMURS are to be excluded for the purpose of calculating net densities. I consider that Pontoon Road (R310) and Turlough Road (L1719) to come under the heading of 'major road/streets' and therefore in my view should be excluded from the site area for the purpose of

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<sup>6</sup> Page 64, Appendix A, Glossary of Terms, of Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

calculating net density. When these areas are excluded the site has an area of 0.0637 Ha, and therefore the proposal has a resultant net density of 298 dpha.

- 7.4.5. SPPR 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, provides that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure, inter alia, the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007<sup>7</sup>)” or any amending or replacement Guidelines. I note that the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) replaced the Sustainable Residential Development in Urban Areas (2009) and therefore are the applicable guidelines in respect of density. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential development at different locations/scales. Castlebar is a ‘Key Town’ in the RSES for the Northern and Western Assembly. Table 3.5 (Areas and Density Ranges Key Towns and Large Towns (5,000+ population) provides three density ranges. In my opinion, having regard to the nature of the area within which the appeal site is located, the appeal site would fall under the category of ‘Key Town / Large Town - Centre and Urban Neighbourhood’ the description of which includes *‘the centre comprises the town centre and the surrounding streets, while urban neighbourhoods consist of the early phases of residential development around the centre that have evolved over time to include a greater range of land uses’*. It is a policy and objective of these Guidelines that residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods. The density of the proposal, at 298 dpha, is significantly above the upper range set out in Table 3.5. Page 18 of the Guidelines states that *‘the densities should generally be within the ranges set out in Section 3.3.....’* and that *‘it may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the*

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<sup>7</sup> Reference in SPPR 4 to 2007 is a typographical error, the relevant guidelines are dated 2009.

*relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area’.* In my opinion there is no compelling justification which would warrant permitting a density which is significantly in excess of the range set out in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). I do not consider that the proposed development accords with the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) in respect of density.

7.4.6. In relation to the issue of overdevelopment, I note that parts of the development are proposed up to the boundary with the adjacent site to the north. In my view the proposal is not cognisant of any potential future development of the adjacent lands to the north. I consider that the proposal would be overbearing on these adjacent lands, and would adversely affect the potential future development/redevelopment of these lands. Having regard to the proposed density of the scheme (addressed above), and to the relationship of the proposed development relative to the adjoining lands to the north I consider that the proposal would represent overdevelopment of the site.

7.4.7. The third reason for refusal also cites concern in relation to potential overshadowing of adjacent property to the north. I note that the lands to the immediate north accommodate a pumping station. These lands are similarly zoned ‘Enterprise and Employment’ in the Castlebar Town and Environs Local Area Plan 2023-2029. A shadow analysis is included in Architectural Design Statement which was submitted with the application. The shadow analysis indicates some overshadowing of the lands to the north at 1400 hours in March and September. I note that June and December have not been included in the shadow analysis. In my view the full extent of overshadowing from the proposal has not been demonstrated. I do not recommend that permission is refused on the basis of overshadowing given the absence of a complete shadow analysis study. Should a grant of permission be under consideration by the Commission a more comprehensive shadow analysis of the proposal could be sought.

#### **7.5. Refusal Reason 4 – Car Parking/Traffic Impact**

- 7.5.1. The fourth refusal reason concerns car parking, and the implication for the operation of the junction adjacent to the site. The Planning Authority consider that that absence of parking provision would potentially disrupt the operation of the junction of the R310 and L1719, resulting in a traffic hazard.
- 7.5.2. In response, the appellant states that the proposal is aimed at people without the need for car storage and that the proposal aligns with planning and transport policy in relation to reducing car parking provision. The appellant also notes that the Planning Authority have failed to consider the RSA and Transport Statement submitted with the application, and that the proposal is small scale, and will result in minimal traffic impact/generation. The applicant states that he is amenable to the provision of parking bays and bollards along the site frontage to address the concerns raised in relation to impacts on the junction, and notes that the proposal is more benign when compared to the previous use of the site, which included HGV accessing the site. Reference is also made by the appellant to precedent cases which serves to support the appellant's approach to car parking.
- 7.5.3. Section 7.12.1 of the Mayo County Development Plan 2022 – 2028 states that *'adequate parking shall be provided for all new residential developments'*, and also that *'all new development proposals will normally be required to meet the minimum Parking Standards set out below (i.e. in Table 7 – Car Parking Standards)*. Based on Table 7 the proposed development has a car parking requirement of 43 no. spaces (i.e. 9 no. spaces for each 1 bedroom apartment + 15 no. spaces for 10 no. 2 bedroom apartments + 19 visitor spaces). The proposal provided no car parking. The proposed development would in my view represent a material contravention of the Development Plan in this regard.
- 7.5.4. In terms of national policy on car parking, I note that NPO 22 of the NPF (First Revision, April 2025) states that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. The Apartment Guidelines (2023) also provides guidance in relation to car parking for apartment developments. Section 4.23 relates to 'Intermediate Urban Locations' which I consider the appeal site to be analogous with, and states that *'in*

*suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'. Section 4.25 notes that 'for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired'. The Guidelines also make provision for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, and provides that in such cases, 'car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location'. SPPR 3 of The Sustainable Residential Development and Compact Settlement Guidelines, 2024 concerns car parking provision at different locations. In my opinion it is reasonable to consider the appeal site under the intermediate or peripheral location criteria. SPPR 3 states that 'in intermediate and peripheral locations<sup>8</sup>, defined in Chapter 3 (Table 3.8) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.*

- 7.5.5. National policy, referenced above, supports a reduction in car parking. Noting the nature of the appeal site with reference to its size (i.e. less than 0.25 ha) consideration may be given in my view to dispensing with the requirement to provide car parking, however I note that consideration of same is subject to overall design quality and location. Additionally, the Apartment guidelines state that for all types of location, where it is sought to eliminate or reduce car parking provision, that provision should be made, where possible, for drop off, service, visitor parking spaces and parking for the mobility impaired. Given the location of the site within Castlebar, and having regard to the level of public transport available within the town, as detailed in the applicant's submission, I consider it reasonable that some level of car parking provision should be made within the scheme. The appellant's submission indicates that car parking

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<sup>8</sup> Intermediate locations - Lands within 500-1,000 metres (i.e. 10-12 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services; and Lands within 500 metres (i.e. 6 minute walk) of a reasonably frequent (minimum 15 minute peak hour frequency) urban bus service

Peripheral - Lands that do not meet the proximity or accessibility criteria detailed above. This includes all lands in Small and Medium Sized Towns and in Rural Towns and Villages

bays could be provided along the public roads bounding the site, however I note that the areas concerned are not within the appellant's ownership and do not form part of the proposal. I have reviewed the RSA and the Transport Statement submitted with the planning application. I note that the documentation does not address provision for drop-offs, deliveries, service requirements etc. or how the absence of same will impact traffic safety in the vicinity of the appeal site. I agree with the concerns of the Planning Authority that at this location the absence of car parking for a scheme of 19 no. apartments would result in impacts on the local road network, and in particular the nearby junction. I also consider that the proposed development would represent a material contravention of the Development Plan (i.e. the requirements set out in Table 7). Furthermore, I am not satisfied that the proposal adequately provides for drop off, service, visitor parking spaces or parking for the mobility impaired. In my opinion the proposal would result in a traffic hazard and I recommend that refusal reason 4 should be upheld.

## 7.6. Issues Arising

- 7.6.1. Material Contravention – Section 4.7 'Public Open Space', Volume 2, of the Mayo County Development Plan 2022 – 2028 provides that '*the provision of public open space is a requirement in all<sup>9</sup> residential developments*', and that '*in brownfield sites or large infill sites, the minimum area of public open space that shall be provided is 10% of the total site area*'. The proposed development provides communal amenity space on the roof of the building. Reference is made in drawings and particulars submitted to public open space however the areas concerned are incidental, for example the 20 sqm area along the southern boundary of the site. From reviewing the proposed development I consider the no provision for 'public' open space is made on the site. In my opinion the non-provision of public open space represents a material contravention of the Section 4.7, Volume 2, of the Mayo County Development Plan 2022 – 2028. Having regard to the constrained nature (i.e. size and shape), and to the scale of the proposal (i.e. 19 no. apartments), and to the provision of communal amenity space, I do not consider that a refusal of permission would be warranted on this issue and I note that Section 37 (2) (a) of the Planning and Development Act, 2000, as amended, provides that '*the Board may in determining an appeal under this*

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<sup>9</sup> My emphasis.

*section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates’.*

- 7.6.2. Contamination – a number of observers raise concerns in relation to the potential for the appeal site to have become contaminated due to the previous use of the site as a fuel depot. Given the nature of the previous use I do not consider that any significant contamination issues arise. I note any issue in relation to possible contaminants on the site would fall under separate legislative code(s) and are outside the scope of this appeal.
- 7.6.3. Procedural Issue – an observation refers to a procedural issue in relation to the planning application, specifically that the application form was not signed by the applicant. I note that the planning application was deemed valid by the Planning Authority. This assessment represents my *de novo* consideration of all planning issues material to the proposed development.
- 7.6.4. Overlooking – an observation refers to overlooking of adjacent property arising from the proposed development. From reviewing the floor plans and elevations I note that the private amenity space (balconies) serving a number of apartments directly face the site to the north which accommodates a pumping station. There are also a number of above ground windows which have an oblique view into the site to the north. I consider that the proposal would result in overlooking of the adjacent lands to the north, and would adversely affect the potential future development/redevelopment of these lands. If a grant of permission is under consideration the applicant could be requested to address this issue. Alternatively, a suitably worded condition requiring screening to be agreed could address overlooking.
- 7.6.5. Impact on HSE site/Sacred Heart Hospital – a number of observations raise concern in relation to the impact of the proposed development on the operation and also the amenity of the Sacred Heart Hospital, which is located to the west of the appeal site. Noting the distance to the Sacred Heart Hospital and to the nature of the proposal I do not anticipate any significant impacts on the hospital, either in terms of impacts on residents/patients, or on the operation of ambulances using the site.

- 7.6.6. Quantitative Standards – an observation raises the issue of compliance with applicable apartment guidelines. The applicant has submitted a schedule of accommodation with the planning application/appeal. I note that the proposed units within the scheme accord with the quantitative requirements set out in Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- 7.6.7. Institutional Investment - the Section 28 Guidelines, Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), issued by the Department of Housing, Local Government and Housing, applies to developments comprising 5 or more houses or duplex units. Having regard to the Section 28 Guidelines in respect of 'Commercial Institutional Investment in Housing', I consider that the development, comprising 19 no. apartments, does not fall within the scope/remit of the Guidelines.

7.7. **Screening for Appropriate Assessment**

- 7.7.1. I have considered the proposed development at the junction of Pontoon and Turlough Roads, Castlebar, Co. Mayo in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The subject site is located c. 3.5 km south-west of River Moy SAC (Site Code: 002298).
- 7.7.2. The proposed development comprises permission for 19 no. apartments, connecting into the exiting foul sewer network.
- 7.7.3. 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 based on the following;
- The distance from nearest European Site(s) and absence of connectivity between the development site and European Site(s).
  - The nature and scale of the proposed development, and location of the proposed development within an existing developed/urban site.
  - The proposal to connect to the existing public sewer at operational phase.

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

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

1. Having regard to the 'Enterprise and Employment' zoning of the site in the Castlebar Town and Environs Local Area Plan 2023-2029, the objective of which is '*to provide land for industrial, enterprise and employment uses*', it is considered that the proposal development, which comprises a residential development of 19 no. apartments, would materially contravene the said zoning objective of the Castlebar Town and Environs Local Area Plan 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
2. Castlebar is identified as a 'Key Town' in the RSES for the Northern and Western Assembly and the analogous category in relation to density in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) for the site is 'Key Town/Large Town - Centre and Urban Neighbourhood'. The density range provided in the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) for such locations is 40 dph-100 dph (net) whereas the proposed development has a density of 298 dpha (net). It is considered that the proposed density of the scheme is excessive, that the proposed development would constitute overdevelopment of the site, would seriously injure the amenities of the area, and would therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the prominent location of the site and to the established built form and character of the area, where the predominant building typology is two storey, it is considered that the proposed development, consisting of a part four, part five storey building would by reason of its height, design and scale, be visually obtrusive within the streetscape and would be out of character with development in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area
4. It is considered that in the absence of car parking, and also provision for set-down/drop-off areas, services/deliveries, and parking for mobility impaired persons, the proposed development would be seriously deficient, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion. Furthermore, the absence of car parking would materially contravene Table 7 of the Mayo County Development Plan 2022 – 2028 regarding car parking requirements, 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.

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Ian Campbell  
Senior Planning Inspector

19<sup>th</sup> November 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Coimisiùn Pleanála</b>	ABP-320593-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of 19 no. apartments and all ancillary site work.		
<b>Development Address</b>	North of junction of Pontoon and Turlough Roads, Castlebar, Co. Mayo.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Part 2, Sch. 5, Class 10, (b), (i) Part 2, Sch. 5, Class 10, (b), (iv)	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	<p>Class 10, (b), (i) (threshold is 500 dwelling units) – proposal is for 19 no. apartment units.</p> <p>Class 10, (b), (iv) (threshold is 2 Ha.) – site area is 0.163 ha.</p>	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X	<b>Preliminary Examination required</b>	
<b>Yes</b>		<b>Screening Determination required</b>	

**Inspector: Ian Campbell**

**Date: 19<sup>th</sup> November 2025**

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320593-24
<b>Proposed Development Summary</b>	Construction of 19 No. apartments and all ancillary site work.
<b>Development Address</b>	North of junction of Pontoon and Turlough Roads, Castlebar, Co. Mayo.
<p><b>The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> <p>.</p>	<p>The proposed development comprises the construction 19 no. apartments. The site is located on a brownfield site within an urban area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>

<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is located in an urban area on a brownfield site. The site is c. 3.5 km from a European Site. Following screening for Appropriate Assessment, it has been ascertained 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.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
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.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)