



An
Coimisiún
Pleanála

Inspector's Report ABP-321423-24

Development	Construction of 12 houses and all associated site works.
Location	Nally St./New Brook Road, Ballina, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	23682
Applicant(s)	John and Carina Craven
Type of Application	Planning permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First party
Appellant(s)	John and Carina Craven
Date of Site Inspection	15 th May 2025
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.272ha greenfield site is situated in Ballina town centre northeast of Dunnes Stores and southeast of Government Buildings. Nally Street forms the southeastern boundary and Sráid an tSrutháin/Brook Street forms the northwest. Adjacent property to the southwest and northeast is in residential use with one detached dwelling in each case situated on a large plot. The site is finished with rough scrub and grass vegetation with some street trees situated adjacent the boundaries.
- 1.2. Construction work had not commenced at the time of the site inspection in May 2025 and all roadside boundaries were in place. It was not clear from the inspection if the site currently benefits from any vehicular access via one of the adjacent residential properties.

2.0 Proposed Development

- 2.1. Planning permission was sought for development which comprises the following:
- 12no. 3-bed, two-storey dwellings set out in two terraces facing Nally Street and Sráid an tSrutháin/Brook Street.
 - On-street car-parking on Sráid an tSrutháin.
 - New vehicular access from Nally Street to an access road situated to the rear of the dwellings.
 - Connection to public water, wastewater and drainage networks
 - All other ancillary site development works.
- 2.2. The following documentation was submitted with the application:
- Part V proposals and calculations
 - Uisce Éireann Confirmation of Feasibility
 - Flood Risk Assessment
 - Traffic Management Plan
 - Construction and Demolition Waste Management Plan

- Calculations for Surface Water Design and Foul Sewer Design
- Car and bicycle parking statements

2.3. The following unsolicited further information was submitted with the application prior to any request for further information as detailed later:

- 3D photomontages and proposed streetscape
- Design Statement
- Appropriate Assessment Screening Report

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. The following items of further information was sought:

- Submit a revised layout with additional car parking to comply with the requirements of SPPR of the Residential Development and Compact Settlement Guidelines which require 2no. spaces per unit.
- Submit a revised layout providing at least 10% of the site as usable public open space in accordance with objective 5.1 of the Residential Development and Compact Settlement Guidelines.
- Submit a revised layout indicating private open space provisions in accordance with SPPR2 of the Residential Development and Compact Settlement Guidelines.
- Direct access shall only be permitted from Nally Street and a revised layout is required which maintains the existing boundary wall on Brook St necessitating the reorientation of units 1-7 to face southeast with their respective private open space to the rear adjacent Brook St.
- Provide a set back from Nally St to facilitate future active transport proposals.
- Submit construction details and dimensions of the pedestrian crossing over the new vehicular entrance as well as a proposed retaining wall, with specified finishes outlined.
- Submit a longitudinal site section drawing.

- Public lighting proposals.
- SUDs drainage proposals.
- Detailed landscaping proposals.

3.1.2. A revised site layout drawing was submitted with the response which reorientated the terrace at the west so it faces eastwards internally to the access road, removing street frontage to Brook St. Additional car parking at the rate of 1.5 spaces per unit was also provided and 13.5% of the site set aside for public open space. The revisions resulted in a net reduction of 1no. unit in the terrace at the west. The existing boundary wall at Brook St will be retained with the exception of 2no. pedestrian accesses directly to the rear of mid-terrace units.

3.2. **Decision**

3.2.1. Mayo County council issued a notification to grant permission on 13th November 2024 subject to 23no. conditions including the following:

22. The following contributions shall be paid to Mayo County Council prior to commencement of the development. The development contributions may increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made.

€33,000

Reason: To comply with Mayo County Council's Development Contribution Scheme 2023.

23. Before the commencement of any development, the developers shall lodge a cash deposit of €4,000 per housing unit ($€4,000 \times 11 = €44,000$) with Mayo County Council as security for the provision and satisfactory completion of roads, footpaths, public lighting, open space, landscaping scheme and other services required in connection with the development coupled with an agreement empowering the said Council to apply for such security or part thereof for the satisfactory completion as aforesaid of any part of the development.

Reason: To ensure the satisfactory completion of the estate.

3.3. Planning Authority Reports

3.4. Planning Reports

3.4.1. There are two case planner's reports, one recommending further information and the latter assessing it.

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Appropriate Assessment (AA) issues were screened out. Environmental Impact Assessment (EIA) was not addressed in the report.
- A detailed assessment is not provided however the second report concludes by stating '*Mayo County Council has no objection with the proposed development.*'
- I also note that the second report was signed in November 2024 and refers to the draft Ballina Local Area Plan 2024-2030. This plan was adopted in September 2024.

3.4.2. Other Technical Reports

- Water Services: Report received stating no objection subject to conditions.
- Municipal District Architect/Engineer: Two reports received, one requesting the further outlined above and a second noting satisfaction with the further information response. Conditions were also attached to the first report regarding surface water management.
- National Roads Design Office, Mayo County Council: Report received stating no concerns for impacts affecting national roads.
- Housing Section: No response

3.5. Prescribed Bodies

- Uisce Éireann: No response received.
- An Taisce: No response received.
- Development Applications Unit: No response received.

3.6. Third Party Observations

3.6.1. Two submissions were received from:

1. Mary and Henry Gaughan with signatures attached representing 14 individuals, and
2. Teresa Gannon.

3.6.2. The following concerns were raised:

- Too high density which would change the character of the 1950s street.
- The proposed blocks do not face each other and therefore do not create a sense of community.
- Proposed open space is situated adjacent to the vehicular entrance which is not safe for children to play.
- Traffic congestion and traffic hazard
- Lack of car parking. Existing on-street car parking is limited.
- Insufficient existing public transport in the town.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan 2022-2028 (referred to hereafter as the CDP).

5.1.2. Volume 2 comprises a Development Management Standards document and I note section 4.0 therein refers to residential development in urban areas providing advice and standards regarding matters such as density, layout, phasing and open space etc. On the matter of density, Table 2 states that in town centre locations or locations immediately adjacent to town centres, such as the subject site, medium to high densities are required with a minimum density of 35dph.

5.2. Mayo County Council Development Contribution Scheme 2023

- 5.2.1. Section 9 and table 1 outlines that the rate to be applied for each residential unit is €3,000 or €20/m², whichever is the greater. Section 9 states: *Having regard to the estimated cost to Mayo County Council of providing further public infrastructure and facilities in the period 2023 to 2028 (Appendix 3) and the estimated level of projected development for the same period, it is estimated that the contributions outlined below would be required to cover the marginal capital cost involved.*
- 5.2.2. Section 10.7 sets out Reductions and Exemptions for certain categories of development in certain circumstances in respect of contributions payable under the Scheme. This includes brownfield sites or designated opportunity sites as identified in the CDP or relevant Local Area Plan.
- 5.2.3. Section 10.7.2 states that an exemption is made for social housing units, including those in accordance with an agreement made under Part V of the Act or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.

5.3. Ballina Local Area Plan 2024-2030

- 5.3.1. The site is zoned 'edge of town centre' with the code 'LUZ 2' and the following objective: *'To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.'*

5.4. Section 28 Guidelines: Sustainable Residential Development and Compact Settlement Guidelines (2024)

- 5.4.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms.
- 5.4.2. On the matter of density, Table 3.5 outlines density ranges for key towns such as Ballina and advises that in the town centre and urban neighbourhood area type, densities in the range of 40-100dph shall be applied.

5.5. Natural Heritage Designations

- 5.5.1. The site is situated 135m northwest of the Killala Bay/Moy Estuary Special Area of Conservation and proposed Natural Heritage Area. It is also situated 144m north west of the River Moy Special Area of Conservation.

5.6. EIA Screening

- 5.6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Ballina town centre has high demand for dwellings and the central location and limited size means it is an excellent location for dwellings.
- Apartments would be unsuitable on the site as the surrounding area is low density houses.
- A minimum of 12no. units are required to make the project financially viable.
- The further information request reduced the number of units to 11no. and therefore, together with condition nos. 22 and 23 which respectively attach a financial contribution of €33,000 and require a financial bond of €44,000, the project is no longer viable.
- The appeal requests that the financial contribution should be reduced in order to make the scheme financially viable and that consideration should be given to granting the full 12no. units.

6.2. Planning Authority Response

- 6.2.1. No response to the first party appeal has been received from the planning authority.

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/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Financial contributions
- Omission of 12th unit

7.2. Financial Contributions

- 7.2.1. The applicant suggests that the development is no longer financially viable having regard to the two financial conditions. No. 22 is a non-refundable contribution while no. 23 is a bond which would be returned once the development is satisfactorily completed.
- 7.2.2. The Development Contribution Scheme in place requires the payment of €3,000 or €20/m², whichever is the greater, for each residential unit. The units in this case have a floorspace of 99.5m² which would equate to €1,990 per unit and therefore the upper rate of €3,000 is applicable in this case.
- 7.2.3. Condition no. 22 requires the payment of €33,000 which equates directly with the provisions and requirements of the Development Contribution Scheme in place. I note the scheme provides for a number of exemptions however none apply in this case in my opinion as the site is not one of the 12no. opportunity sites identified in the Ballina Local Area Plan 2024-2030 and there also is no Part V agreement in place. I note Part V proposals were submitted with the application documents however no evidence of an agreement with the local authority was provided to justify the reduction.

- 7.2.4. In fact, no detailed costings were provided with the appeal to justify any reduction to condition no. 22.
- 7.2.5. I consider the terms of the Development Contribution Scheme have been properly applied and recommend no changes to the financial contribution required under condition no. 22.
- 7.2.6. Condition no. 23 required the payment of a bond to the value of €44,000 per housing unit ($€4,000 \times 11 \text{ units} = €44,000$) which would be returned following satisfactory completion, which is required under the terms of condition no. 1 in the first place. The applicant's appeal has not demonstrated why or how payment of this bond is preventative in terms of viability of the scheme.
- 7.2.7. The Development Contribution Scheme does not refer to bonds or similar such surety payments.
- 7.2.8. I consider it appropriate that a bond is paid to ensure the satisfactory completion of all works in the scheme and in my opinion, €44,000 is a low rate relative to the provision of 11no. dwellings. I therefore do not recommend that the rate is changed or decreased.

7.3. Omission of 12th unit

- 7.3.1. The original proposal sought permission for 12no. units however this was reduced to 11no. as part of revisions required in the further information request. The applicant's appeal also requests that consideration be given to granting the 12th unit.
- 7.3.2. I have reviewed the layout and agree with the revisions required by the further information request which provides for more public open space, car parking and enhanced public realm within the scheme with dwellings fronting onto the access road.
- 7.3.3. The main two revisions which necessitated removal of the 12th unit related to the provision of public open space and car parking. The applicant suggests 13.5% of the site is now provided for public open space however only 9.2% comprises actual usable quality open space and I consider the remainder should be disregarded in the calculation as it is peripheral and left over space. In this context, the layout does not provide the full 10% as required by the CDP and Policy and Objective 5.1 of the

Compact Settlement Guidelines. I also note however that Policy and Objective 5.1 provides for circumstances where a reduced standard may be acceptable.

- 7.3.4. In this regard I note the 900m walking distance between the site and Tom Ruane Park which is the closest public park to the site. In my opinion this constitutes too far a distance to justify the total omission of usable open space on the site.
- 7.3.5. Further in relation to car parking, the applicant was requested to provide 2no. spaces for each unit but instead the further information response provided 1.5 spaces for each unit which complies with the requirements of the Compact Settlement Guidelines. However, if the 12th unit were reintroduced, this would require both the relocation of 3no. spaces as well as the introduction of another 2no. which would result in further reduction of already limited public open space within the scheme.
- 7.3.6. I note that with 12no. units, the density would be 44dph while with 11no. units it would be 40dph which both equate with the Compact Settlement Guidelines requirements and therefore I consider it appropriate that the 12th unit is omitted in favour of the provision of open space and car parking. In my view, the layout as proposed in the further information response demonstrates a better balance of providing higher density with good quality residential amenity. I also recommend however that a new pedestrian access is provided between the public open space and Brook St in order to provide permeability and promote active travel.

8.0 AA Screening

8.1. Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The site is situated 135m northwest of the Killala Bay/Moy Estuary Special Area of Conservation and 144m north west of the River Moy Special Area of Conservation.
- 8.1.3. The proposed development seeks to construct 12no. dwellings and associated site development works including connection to public services.

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 it could not have any effect on a European Site.

8.1.5. The reason for this conclusion is as follows:

- The domestic nature and modest scale of the works,
- The location of the site removed from any waterbodies and lack of any hydrological connectivity,
- Connection to existing public water services and
- Taking into account the screening report/determination by Mayo County Council.

8.2. **Conclusion**

8.2.1. I conclude, 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.

8.2.2. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 **WFD Screening**

9.1. **Screening**

9.1.1. The subject site is located 145m northwest of the River Moy.

9.1.2. The proposed development seeks to construct 12no. dwellings and associated site development works including connection to public services.

9.1.3. No water deterioration concerns were raised in the planning appeal.

9.1.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

9.1.5. The reason for this conclusion is as follows:

- The domestic nature and modest scale of the works.
- The location of the site removed from any waterbodies and lack of any hydrological connectivity.
- Connection to existing public water services.

9.2. **Conclusion**

9.2.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 **Recommendation**

I recommend that planning permission is granted in accordance with the conditions set out below.

11.0 **Reasons and Considerations**

Having regard to the location of the infill site on lands zoned for edge of town centre purposes in the Ballina Local Area Plan 2024-2030, the provisions of the Mayo County Development Plan 2022-2028, the provisions of the Mayo County Council Development Contribution Scheme 2023, the established pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of density, and layout, would not result in the creation of a traffic hazard, and would not seriously injure the amenities of neighbouring properties in the area. It is also considered that the terms of the Development Contribution Scheme 2023 were appropriately applied. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22nd day of October 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and</p>

	Development Act 2000, as amended, and of the housing strategy in the development plan for the area.
3.	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice</p>

	and supply of housing, including affordable housing, in the common good.
4.	<p>The proposed development shall be amended as follows:</p> <p>(a) A new pedestrian access shall be provided between the public open space and Brook Street.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of permeability and residential amenity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings and boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.
7.	<p>The landscaping scheme shown on drawing number P09, as submitted to the planning authority on the 22nd day of October, 2024 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <p>(a) Provision of a pedestrian link through the public open space to Brook Street.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
9.	<p>The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written</p>

	<p>agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
10.	<p>(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).</p> <p>(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within drawing no. P09, as submitted to the planning authority on the 22nd day of October, 2024 as well as the requirements of section 8.7 of Volume 2 of the Mayo County Development Plan 2022-2028. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and [residential] amenity.</p>

13.	<p>Site development and building works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
14.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including a traffic management plan, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
15.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €33,000 (thirty three thousand euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on</p>

	<p>behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
17.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows -</p> <p>(a) an approved insurance company bond in the sum of €44,000 (forty four thousand euro), or</p> <p>(b) a cash sum of €44,000 (forty four thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or</p> <p>(c) such other security as may be accepted in writing by the planning authority.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Sarah O'Mahony
Planning Inspector

02nd October 2025

Form 1 - EIA Pre-Screening

Case Reference	321423
Proposed Development Summary	12no. houses
Development Address	Nally St./New Brook Road, Ballina, Co. Mayo
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="checked" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units.</p> <p>The proposal comprises 12no. units.</p> <p>Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>The site comprises 0.272ha.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Form 2 - EIA Preliminary Examination

<p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed</p>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial</p>

<p>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>natural resources or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing building or developments in the area.</p>
<p>Location of development</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 subject site is not located in or immediately adjacent to ecological, archaeological, architectural or culturally sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts</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>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended and no significant impacts are predicted due to the scale of the development.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Having regard to the nature of the proposed development and works constituting development within an urban area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p style="text-align: center;">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ **Date:** _____