



An
Coimisiún
Pleanála

Inspector's Report

ACP-322994-25

Development	Demolition of terrace block on site and construction of 52 no. dwellings.
Location	Bohernasup, Ballina, Co Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	2560008.
Applicant(s)	Knocknalyre Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Three no. Third Parties vs Grant.
Appellants	Lansyn Residents Association; Patrick Corcoran and Dorothy O' Regan; and Breege Gordon.
Observer(s)	Dr Charles and Samantha Meehan.
Date of Site Inspection	16 th October 2025.
Inspector	C. Daly.

1.0 Site Location and Description

- 1.1. The subject site, of area 2.79ha., lies adjacent to part of the built-up area of Ballina close to the northern edge of the town. The site includes a line of partially commenced terrace structure, mainly foundations and ground floor block walls, and otherwise mainly consists of grassland, areas where rocks and soil have been left that have become somewhat overgrown, various mounds of same and the site slopes uphill to the south and north-east at least partially as a result of deposited material. There is a line of tall trees along towards the south of the south-east site boundary, ESB poles and lines outside this boundary and some mature trees scattered around the site boundaries and a line of trees along the southern boundary. There is a stone wall along towards the northern part of the south-east site boundary.
- 1.2. There is a wooden fence along part of the boundary with the adjacent Lansyn estate to the north-west. Adjacent to the site there are existing residences to the west, south and north and by some housing and a grass field to the east. The land to the north consists of an open field. The site would be accessed from the adjacent Lansyn housing estate to its north-west which links to the Bohernasup road to the west. The site is within c.500m of the town centre as the crow flies.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- Demolition of an unfinished two storey terraced block adjacent to the Lansyn housing estate.
 - Construction of 52 no. dwellings including 20 no. 5 bed detached two storey houses, 6 no. 4-bed two storey semi-detached houses, 4 no. three-bed semi-detached two storey houses, 10 no. three-bed two storey terrace houses, 11 no. two-bed two storey terrace houses and one no. two bed detached single storey house.
 - Extension of existing pedestrian and vehicular access to Lansyn.

- All hard and soft landscaping, internal roads and footpaths, cycle and car parking, public and private amenities and open spaces, boundary treatments, public lighting, and all other ancillary works above and below ground including connections to water supply, surface water infrastructure, wastewater infrastructure and utilities.

2.2. Following further information, the number of units was reduced to 50 with a revised mix of 17 no. 5 bed detached two storey houses, 1 no. 4-bed two storey detached house, 6 no. 4-bed two storey semi-detached houses, 4 no. three-bed semi-detached two storey houses, 10 no. three-bed two storey terrace houses, 11 no. two-bed two storey terrace houses and one no. two bed detached single storey house.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to a DMURS compliance statement for the scheme, details of stormwater attenuation as part of the SUDS design, information on the position of the existing stormwater pipe traversing the site and pre-connection report from Uisce Éireann, an archaeological assessment, an assessment under the Habitats Directive, clarity as to why the red line includes the public road at Lansyn, lighting details, surface water design details, details for the maintenance of the detention basin and swale, a revised site layout plan including the detention basin swale in the amenity area, a construction management plan and demonstration of connectivity with the surrounding area.

Following F.I., the P.A. decided to grant permission subject to 23 no. conditions.

Notable conditions include:

- Condition no. 2 requires the entering into an agreement under Section 96 in relation to Part V of the 2000 Act.
- Condition no. 3 requires the entering into an agreement that restricts first occupation of each unit to individual purchasers.
- Condition no. 4 requires the traffic and transport elements to be in accordance with the site layout plan submitted at F.I. stage.

- Condition no. 5 requires a Stage 1 / 2 Road Safety Audit and subsequently at Stage 3 and Stage 4 RSA with all findings required to be implemented. Roads, footpaths and turning area are required to be designed and constructed in accordance with DMURS.
- Condition no. 8 requires any excavations required in the public road to be managed and reinstated.
- Condition no. 9 requires traffic signs and road markings to accord with the Traffic Signs Manual.
- Condition no. 10 requires landscaping to accord with the landscape proposals submitted at F.I. stage.
- Condition no. 11 requires surface water to be discharged in accordance with the Development Standards and road gullies to accord with national guidance. SUDS is also required.
- Condition no. 13 requires boundary treatments to accord with those submitted at F.I..
- Condition no. 15 requires the development to be carried out in accordance with the Construction Management Plan and Phasing Programme submitted.
- Condition no. 17 relates to ESB lines.
- Condition no. 23 requires a cash deposit lodgement as security for the satisfactory completion of roads, footpaths, public lighting, open space, landscaping scheme and other services required.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report assessment noted the classification of Ballina as a Tier 1 Key Town in the County Development Plan. It noted the site zoning for 'new residential' in the Local Area Plan. It noted a permission on the site for 62 no. houses (reg. ref. 99701985) which was partially completed and that the partially constructed terraced block for same is now proposed for demolition on the site. It noted a previous proposal (reg. ref. 24/60488) for a smaller portion of the site which

is at F.I. stage (now deemed withdrawn). As there were particular layout issues with that scheme, the applicant was advised to submit an application for the full site. The Planner's Report concluded by recommending F.I. as noted in Section 3.1 above.

Following F.I., the second Planner's Report, noted in relation to Item 1 that the scheme layout was revised in accordance with DMURS to incorporate appropriate corner radii and pedestrian/cyclist priority, shared surfaces, horizontal deflection measures and enhanced pedestrian / cyclist prioritisation. In relation to Item 2 and the submitted stormwater attenuation design details it noted the supporting calculations and drainage layout drawings showing inflow and outflow arrangements. In relation to item 3, it noted the details of the stormwater pipe traversing the site and the submitted pre-connection response from Uisce Eireann confirming acceptance of the proposed connections to the public networks. In relation to Item 4, it noted the submitted Archaeological Assessment Report and that no further archaeological work was required.

In relation to Item 5 it noted the submitted AA Screening Report and its conclusion that the development will have no likely significant effects on the Killala Bay/Moy Estuary SAC. In relation to Item 6 it noted the red line boundary inclusion of part of the roads of the Lansyn estate was stated to be to facilitate connection to existing services but that following further detailed investigations the required connections traverse lands within the applicant's ownership and to remain consistency with the original file that the original red line boundary will remain unchanged. It was indicated that no works are proposed outside the applicant's ownership and no third party consent is required.

In relation to Item 7 and the boundary treatment in relation to the stone wall between Belleek Lodge and the site and the request for a section through the boundary at the point of greatest level difference, it noted the submitted cross-sectional detail and retention measures and structural safeguarding have been designed accordingly. In relation to Item 8 it noted the external lighting design submitted. In relation to Item 9 it noted the revised Engineering Services Report confirming the identified anomaly in the surface water design table was due to a typographical error.

In relation to Item 10, it noted the submitted details in relation to the maintenance requirements of the swale including inspection frequency, vegetation management

and overall upkeep. It noted that the detention basis has been removed from the design and therefore no maintenance provisions are necessary for this element. In relation to Item 11 it noted the revised site layout drawings submitted indicating the removal of the detention basin which no longer impacts the calculation of public open space and that the swale is designed to remain dry under normal weather conditions and can be considered a usable recreational space.

In relation to Item 12, it noted the submitted Construction Management Plan and Phasing Programme. It noted the measures proposed including haul routes and access arrangements and wheel-washing and the safety measures incorporated. In relation to Item 13, it noted the revised layout enhances pedestrian and cyclist permeability across the site and to surrounding areas.

In relation to Item 14, it noted the pre-connection enquiry response from Uisce Éireann confirming acceptance of the proposed connections to the public water and wastewater networks.

The report considered that 24% of the site would be public open space. It noted the improved connections to the north and south-west and that greater mix of house types and the dispersal of social housing units through the development. It recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

- Archaeology: F.I. required. Following this, no objection subject to conditions.
- Area Engineer Ballina: F.I. required in relation to road layout and compliance with DMURS.
- Road Design: F.I. required in relation to Quality Audit.
- Regional Design Office: No issues.
- Environment – Flood Risk: F.I. required.
- Water Services: No response received.
- Architects Department: Recommended improved connectivity, pedestrian and cycle links, shared spaces, reduced reliance on one house type, improved house mix and better Part V distribution.

3.3. Prescribed Bodies

- Uisce Éireann: Connection to water is feasible without upgrades and connection to wastewater network requires upgrades.
- An Taisce: No response received.
- Development Applications Unit: No response received.
- Transport Infrastructure Ireland: Regard to be had to national guidelines if impacts national roads and if impact the light rail network.
- The Heritage Council: No response received.
- Department of Housing, Local Government and Heritage: No response received.

3.4. Third Party Observations

15 no. third party observations were received, and these can be summarised as follows:

- Concerns that density and housing mix incompatible with Lansyn.
- Notes that F.I. not addressed for current application.
- Concerns regarding overlooking and overshadowing.
- Concerns in relation to design imbalance between two parts of the development.
- Concerns regarding poor public open space.
- Concerns regarding impacts on tree roots from retaining wall.
- Concerns in relation to overconcentration of terraced units to north-east.
- Concerns regarding concentration of Part V housing in one area.
- Concerns at lack of bungalows.
- Concerns in relation to potential damage to Belleek Castle wall and removal of boundary estate wall.
- Concerns in relation to removal of open space.

- Concerns regarding bin storage areas.
- Concerns in relation to building access through an existing estate.
- There should be separate access and separate estate name.
- Concerns in relation to traffic and parking congestion.
- Concerns in relation to potential water logging.
- Concerns that no programme of works is provided.
- Concerns in relation to absence of report from Uisce Éireann.
- Wall with Belleek Lodge Estate should be retained.
- Concerns regarding encroachment into the Lansyn estate.
- Emphasised that pyrite is an issue in Lansyn estate with all houses.
- Concerns in relation to lack of communication with developer.
- Concerns for existing infrastructure in Lansyn estate.
- Concerns in relation to health and safety, particularly in relation to traffic.
- Concerns in relation to maintenance.
- Concerns in relation to red line area within Lansyn roads.

4.0 Planning History

24/60488: Application withdrawn (following F.I.) for demolition of existing terrace block and construction of 19 dwellings including access from Lansyn.

99/701985: Permission granted to construct 62 houses. 24 houses were completed and a terrace of 4 houses was commenced.

5.0 Policy Context

5.1. Mayo County Development Plan 2022 – 2028 (the CDP)

Chapter 2 – Core Strategy

Section 2.7.10 Core Strategy Policies and Objectives

Policy CSP 4 supports the compact growth of towns and villages.

Section 2.8.1 Settlement Hierarchy

Ballina is designated as a Tier 1 Key Town and Strategic Growth Town.

Per Core Strategy Table 2.7.7 there is a housing target of 511 for such Tier 1

(a) Key Towns.

Section 2.8.1.6 Key Towns and Strategic Growth Towns (Tier I (a) and Tier I (b))

Objective SSO 6 encourages compact growth of settlements.

Chapter 3 – Housing

Section 3.4.11 Residential Densities

Higher densities will be applied to the higher order settlements of Ballina and Castlebar to align with their roles as Key Towns, subject to good design and development management standards being met.... It is important that the density of new development in towns and villages is reflective of the existing character and that growth is linked to infrastructural capacity. As such, there will be a graded reduction in residential density for Self-Sustaining Growth Towns and Self Sustaining Towns and Villages that are commensurate to the existing built environment.

Town and Village Housing Objectives

Objective TVHO 1 – To ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes, whilst all times acknowledging and reflecting the existing character of the area.

Objective TVHO 2 – To require residential development to demonstrate that a housing density appropriate to its context is achieved, providing for a sustainable pattern of development, whilst ensuring a high-quality living environment.

Objective TVHO 5 – To achieve minimum appropriate densities and provide an adequate mix of building heights and typologies appropriate to the urban context having regard to the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); Urban Development and Building Heights Guidelines for Planning Authorities’ (2018) and the ‘Sustainable Urban Housing:

Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) (or as updated), including any relevant specific planning policy requirements (SPPRs), where appropriate.

Objective TVHO 6 – To require that applications for residential development take an integrated and balanced approach to movement, place making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTS and DECLG (2013 as amended).

Objective TVHO 7 – To ensure the provision of adequate areas of high quality, safe and overlooked open space within residential developments and support the provision of play and recreational areas, including pollinator-friendly management of public open space, in all new large residential developments.

Volume 2 – Development Management Standards

Section 3.4 Permeability and Sustainable Mobility provides for key principles for providing permeability within settlements.

Section 4.4 Density

The appropriate residential density of a site shall be determined with reference to.

- *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual (2009).*
- *Sustainable Urban Housing: Design Standards for New Apartments 2018.*
- *Urban Development and Building Heights Guidelines 2018.*

Development of higher level densities shall be appropriate to the site context and shall be assessed based on the merits of the proposal and subject to good design, compliance with both qualitative and quantitative standards, The Planning Authority may use its discretion in varying these maximum density standards to take account of the character and context of respective settlements.

Section 4.4 Table 2 (Residential Density) sets out a low to medium density minimum requirement of 20 units per hectare for inner urban suburbs outside of town centres.

Table 2 Minimum Residential Density Requirements

Location	Density	Dwelling Units Ha (Acre)
Town Centre / Immediately adjacent to Town Centre	Medium to High	35 (14)
Inner Urban Suburbs, outside of Town Centre	Low to Medium 20 (8)	20 (8)
Urban Periphery, Rural Settlements	Low	5 (2)

Section 4.5 Layout

The layout of a new residential development shall be designed to achieve the following:

- *A strong sense of identity and a sense of place.*
- *Permeable layouts, with multiple connections to adjoining sites/estates for pedestrians and cyclists.*
- *A good sense of enclosure.*
- *Active frontage and supervised spaces.*
- *Due regard to Design Manual for Urban Roads and Streets, (2019) in relation to the design and use of urban roads and streets.*
- *High quality green infrastructure provision and linkages. Housing schemes for 20 or more houses should generally be broken into small functional and visual groups, which fulfil a social and aesthetic need for identity. This may be achieved through scale and massing arrangement, roof profiles, materials and decorative details.*

Section 4.5.5 Overlooking – this section provides for a minimum 22m separation distance between opposing first floor windows among other considerations. This standard may be relaxed subject to design.

There shall be a minimum distance of 3m between side walls of adjacent dwellings. Distances may be relaxed for infill developments in urban areas where such distances cannot be achieved (innovative design required)

Section 4.7 Public Open Space

The provision of public open space is a requirement in all residential developments. The aim is to provide suitably designed and landscaped open space that is usable, safe, and integrated as part of the landscaping scheme.

- In greenfield sites, the minimum area of multi-functional public open space that shall be provided is 15% of the total site area and public open space should be provided within 150 metres walking distance of every house in a new residential development.*
- 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. In smaller schemes of less than 5 units, a reduction in the above will be considered based on design and the private amenity space of each unit exceeding the minimum requirements.*

Section 4.8 Private Open Space – this provides minimum area requirements.

- One/two-bedroom houses 55m²*
- Three-bedroom houses 75m²*
- Four bedrooms or more 100m²*

In general, it is desirable that all new houses shall have a minimum clear distance of 3 metres between side elevations

Rear garden depth shall be a minimum of 11m.

Section 4.9 Boundary Treatments *The following boundary treatments shall apply to housing developments:*

- Boundary walls which abut public open space should not represent blank facades. Design solutions such as dual aspect dwellings or reorientation of dwellings can be considered to maintain a sense of openness whilst being more aesthetically pleasing.*

- *All boundary walls which are highly visible from the public domain should be finished in local stone indigenous to the area.*
- *All perimeter boundary walls shall be no greater than 2m high and constructed as capped, rendered concrete block walls, back planted with indigenous hedgerows/trees.*

Section 4.10 Landscaping – this provides that landscaping be integral to development.

Section 7.5 Road and Traffic Assessments

A Road Safety Audit (RSA) shall be carried out for all significant developments proposed and submitted as part of the planning application. A ‘significant development’ includes development(s) which generate 40+ Traffic Movements per day or results in a modification to the road layout.

A Traffic Impact Assessment (TIA) shall be conducted in respect of proposed significant developments whereby traffic generated by the development exceeds 10% of the existing traffic level on the road, or 5% where the road is already congested.

Significant development proposals shall also be accompanied by a Traffic and Transport Assessment (TTA). Each RSA, TIA and TTA shall be carried out in accordance with Transport Infrastructure Ireland’s requirements.

Section 7.12 Parking Standards and Dimensions

- See Table 7 for Car Parking Standards which requires 1 space per 2 bed house and 2 spaces per 3, 4 and 5 bed house plus 1 visitor space per residential unit.

Note:

Draft Variation no. 1 to the Mayo CDP – on public display until October 14th

Reason: to align with ‘The National Planning Framework’s First Revision 2025’ and the ‘Section 28 Guidelines on NPF Implementation – Housing Growth Requirements’ , and will include a new objective to guide appropriate development as envisaged in the development plan, and will contain the following elements:

Part A: Incorporate the Land use Zoning Maps for the following towns into the County Development Plan

- Castlebar Town & Environs Local Area Plan 2023 -2029.
- Ballina Local Area Plan 2024-2030.
- Westport Local Area Plan 2024-2030.

Part B: Replace existing Table 2.4 – Core Strategy Table with a revised Core Strategy.

Part C: To release Strategic Residential Reserve Tier 1 Lands (195 Hectares).

5.2. **Ballina Local Area Plan 2024-2030 (the LAP)**

The subject site is zoned for ‘new residential’ (LUZ 7) development under the LAP which is “*to provide for high quality new residential development and other services incidental to residential development*”. Public open space and ‘residential – multiple (two or more units)’ are permitted in principle under this zoning objective.

Objective TCO 8 provides for high quality place making, public realm and urban design principles in line with the CDP and Ministerial Guidelines.

Objective DSO 2 *Seek the sustainable intensification and consolidation of the existing built environment in accordance with the objectives for compact growth in higher-level spatial plans through appropriate infill, brownfield development, supported by the necessary physical and community infrastructure.*

Policy DSP 2 *Support the compact growth of Ballina to ensure that new development proceeds in a sustainable manner and at an appropriate scale, density and in line with the Core Strategy.*

Policy HSCP 1 *Encourage the compact growth of Ballina and undertake a town centre first approach to ensure that development proceeds sustainably and at an appropriate scale, density and sequence and in line with the County Core Strategy Table.*

Policy HSCP 2 *Promote healthy place-making, increase the liveability factor of Ballina, encourage the most efficient use of land, and ensure a mixture of residential*

unit types that are designed and constructed on the principles of universal design, life-long adaptability and energy efficiency.

Policy HSCP 4 Support new residential development and infill development that occurs in tandem with the delivery of supporting physical and social infrastructure.

Objective HSCO 1 Support, promote and facilitate the appropriate consolidation, densification and/or redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area, where appropriate, including living above the shop opportunities.

Objective HSCO 2 Safeguard the amenity and integrity of completed residential estates and provide for smarter travel options, it is the objective of the Council to ensure that new access proposals to any adjoining lands through an existing completed residential estate is provided for pedestrian or bicycle movements/connectivity only.

Policy HSCP 6 Require that an appropriate sustainable mix of housing type, tenure, density and size is provided in all new residential areas, and in appropriate brownfield/infill areas to meet the needs of the population of Ballina, including the provision of special needs housing, which includes housing for older people, people with disabilities, social housing, affordable housing and accommodation for the travelling community.

Objective HSCO 4 Require that a good mix of housing types and sizes is provided in all new residential areas and in appropriate brownfield/infill areas, to meet the needs of the population of Ballina, including the provision of appropriate supported housing and longer-term residential care solutions designed for older people and/or people with disabilities. This will include accommodation provided under Part V requirements.

Objective MTO 3 Promote sustainable, compact development by ensuring that all proposals for residential and mixed-use developments, including infill and brownfield, incorporate provisions for pedestrian and cyclist activity and associated facilities that will integrate into the existing road/street network and proposed active travel network in the town.

Policy MTP 8 *Support the delivery of the active travel and demand measures identified in the Local Transport Plan (Appendix 2) and require proposals for new development to compliment and demonstrate how they will integrate with the provisions of the Local Transport Plan.*

5.3. Ballina Local Transport Plan 2025

This is a plan to guide transport development of the town in line with the LAP. It seeks to provide sustainable transport options for trip origins within the town and it sets out a range of short-term to long-term measures for future transport development. This includes an auxiliary link from the Lansyn estate to the north-east towards an east-west road link to the north of the Lansyn estate.

5.4. National Planning Framework First Revision (April 2025)

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 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints 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.*

5.5. Regional Spatial and Economic Strategy for the Northern and Western Region

Under Section 3.4 in relation to compact, smart and sustainable growth, it states that,

- *50% of new city housing within existing Galway City and suburbs footprint*
- *30% all new housing elsewhere, within existing urban footprints.*

RPO 3.1 Develop urban places of regional-scale through:

- *Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth:*
- *Delivering significant compact growth in Key Towns; and*
- *Developing derelict and underutilised sites, with an initial focus within town cores.*

5.6. National Guidelines

Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Section 28 Ministerial guidelines to be particularly applicable to the assessment:

- *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) (the Compact Settlement Guidelines).*
- *Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021).*
- *Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).*
- *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)*
- *The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).*
- *Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).*

Other national guidelines of relevance include:

- *Design Manual for Urban Roads and Streets (2019) (DMURS).*

5.7. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.0.4km west of Killala Bay/ Moy Estuary Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 000458).
- c.0.5km west of River Moy SAC (site code 002298).
- c.1.7km north-east of Killala Bay / Moy Estuary Special Protection Area (SPA) (site code 004036).
- c.4.1km south-east of Cloonagh Lough PNHA (site code 001485).
- c.5.7km north-east of Lough Alick PNHA (site code 001527).
- c.6.6km north-east of Lough Conn and Lough Cullin PNHA (site code 000519).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third party appeals on behalf of Lansyn Residents Association, Patrick Corcoran and Dorothy' O Regan; and Breege Gordon can be summarised as follows:

Access

- The landowners likely own other lands adjacent to the site that can provide alternative access routes.
- Concerns in relation to fire tender access and contravention of health and safety laws.
- Concerns in relation to inadequate road widths within the new development.
- Concerns in relation to the applicant's reliance on an historic permission and that this development would link to two additional developments in the future.
- Concerns that the Lansyn estate would become a thoroughfare for 150+ houses and the use of the roads to cut through from Bohernasup to Belleek.
- Concerns in relation to impact of construction traffic for multiple phases of construction.

- It is noted that a permeability link to Belleek has been included by the applicant in their submission to the local transport plan.
- The roads of the Lansyn estate are taken in charge by the Council.
- Concerns regarding the history of proposals in relation to lack of integration or consultation and encroachment onto the roads in Lansyn.
- Concerns in relation to lack of rights of way through the Lansyn estate.
- Concerns in relation to laneway access within the development, potential for this to become a road and potential for anti-social behaviour and impacts on houses in the vicinity.
- The roads of the Lansyn estate have insufficient capacity for more traffic and concerns in relation to road safety.
- Concerns in relation to using the Lansyn roads for access given the pyrite problems within the estate.
- Suggests that, if right of way is not proven, that access for adjacent lands be taken independently from the Bohernasup Road and Castle Road/Belleek Road and for cycle/pedestrian routes only to adjacent lands with no adjacent vehicular access roads to Lansyn.
- If right of way is proven, that one access road to adjacent lands and two other pedestrian/cycle only accesses and no adjacent routes beside Lansyn should be provided.

Overlooking and Residential Amenity

- Third parties were not given the opportunity to comment on the design changes made at F.I. stage.
- Concerns in relation to devaluation of existing properties.
- Concerns that the Council does not have the authority to remove the boundary wall adjacent to the site and does not have the authority to grant a right of way through the estate over private roads.
- Concerns in relation to overlooking and overshadowing of adjacent established residences from the positioning of houses 10-17.

- Concerns in relation to the internal scheme layout with scope for the green space to be located to the north of the site and facilitate larger gardens.
- Houses 9 – 17 should be positioned away from the Belleek Castle wall (photos submitted) which is within the curtilage of the Belleek Arch protected structure.
- Concerns in relation to lack of detailed description of the retaining wall and new fence.
- The density is excessive for the site and surroundings.

Pyrite

- The Council as the body responsible for the help and support with pyrite have a duty to put the owners of such homes first.
- No development should take place until the pyrite houses have been knocked and rebuilt.

Masterplan

- Concerns in relation to the absence of a masterplan for the remainder of the lands.

Services

- Concerns in relation to the swale being reliant on normal weather conditions to be dry and potential flooding, noting many gardens in Lansyn get water logged.

Environmental

- Concerns in relation to the close proximity to the River Moy SAC and other developments have been refused permission because of proximity to it.

Housing Mix and Layout

- Concerns regarding the over-concentration of terraced houses in the north-east corner of the site.

- Concerns in relation to the location and concentration of the Part V units in the north-east corner of the development and the concerns of the Architects Department support this.
- There is a lack of single storey units with only one included.
- Concerns that the high number of terraced houses does not promote a balanced and inclusive society.
- There are design disparities between the two parts of the estate and a failure to blend with the Lansyn design and mix.
- Concerns in relation to the delivery of Part V requirements from other developments into this development increasing the Part V units above the normal 20%.
- Concerns that the terraced part of the estate will become a council estate and the remainder will be a private estate.

Legal / Procedural and Other Matters

- Concerns that the Council have agreed with this builder to build houses elsewhere.
- There is adequate greenfield land elsewhere close to the town centre.
- Concerns that the open space could be built on and then an application for retention permission could be made.
- The Council may have granted permission to themselves as houses within the development will be for the Council and concerns in relation to a potential purchase agreement made in advance of a grant of permission.
- Concerns that rubble and topsoil have been hauled on to the site and in relation to removal of Lansyn estate boundaries. These activities have impacted on the ability to do an archaeological survey.
- Concerns in relation to the legality of the application given the use of the Lansyn access road, new roads inside the development, the late addition of an enclosed wall laneway, the removal of boundary fences, no rights of way,

connections to private water and wastewater infrastructure and use of the private roads.

- The taking in charge agreement is being used to change the agreed status quo.
- Concerns in relation to removal of the Lansyn boundary fence across the green.
- Parts of the Lansyn roads are included within the red line boundary and the applicant has no right of way through the estate.
- Concerns in relation to the lack of engagement with the residents of Lansyn.

6.2. Applicant Response

The response to the three appeals on behalf of the applicant can be summarised as follows:

- There are no instances of direct overlooking or any proposed separation distances lower than the required 16m above ground level with greater separation distances noted.
- The garden sizes along the boundary with Belleek Lodge range from 60 to 104sqm substantially in excess of the 30sqm required for a three-bedroom house with all gardens having a minimum depth of at least 8m.
- The site layout is designed to generally reflect the layout of the permitted development under reg. ref. 99701985.
- In relation to the Belleek Castle Wall, there is no proposal for a retaining wall of new boundary treatment adjacent to this and the existing ground will be retained to ensure no construction impact to the castle wall.
- The Part V allocation has been outlined in principle with details to be agreed post planning and subject to condition. At F.I. stage revisions were made such that 10 no. Part V houses are distributed throughout the site incorporating a mix of unit types and tenures.

- The permeability within the site follows desire lines and provides good connectivity to surrounding areas and the laneway originally shown to the east of unit no. 9 can be restored if desired.
- A folio is provided from Sheehan Solicitors to demonstrate ownership of the site, the lands to the north are not owned by the applicant or by companies associated with the applicant, the roads and services at Lansyn are in the charge of the Council/Uisce Éireann and that the applicant have a public right of way over the lands, that the applicant has a right to connect to the public water main and sewer network within the Lansyn estate, that the shared boundary with Lansyn is within the applicant's title and that the applicant has a right to remove it.
- The applicant does not own lands to the north and east so there is no opportunity for a masterplan but there is clear permeability opportunities to the lands around the site.
- In relation to the submission on the Ballina Transport Plan, the applicant has not control or interest in the particular lands.
- The estate is designed in accordance with DMURS and all relevant standards.
- The design changes made at F.I. stage provide a broader mix of unit types and break uniformity without compromising the key objective of a strong streetscape and this aligns with LAP policies.
- The submitted Site Specific Flood Risk Assessment noted minimal flood risk within acceptable limits and the swale is designed to contain surface water as an attenuation feature and the depths are standard.
- The design intention is to foster a diverse community and it follows the existing neighbouring building line.
- Full regard has been given to Lansyn as the natural starting point for the evolution of the design and ensures easy access to public open space.
- The design solutions put forward by the appellants are ill-informed and are not substantiated and these solutions should be dismissed given the layout follows that permitted under reg. ref. 99701985.

6.3. **Planning Authority Response**

No response received.

6.4. **Observations**

One third party observation was received from Dr Charles and Samantha Meehan which can be summarised as follows:

- The P.A. did not allow submissions following receipt of significant further information.
- Concerns in relation to overlooking and close proximity to adjacent residences.
- Concerns in relation to the protection of the existing mature trees.
- Concerns in relation to the protection of the historical stone walls and fencing and shrubs during construction.
- There should be no rear windows facing adjacent existing residences.
- The retaining wall could impact the root system of adjacent trees.
- Concerns in relation to new boundary treatments and the need for construction to ensure privacy, protection and safety of adjacent residence.
- Concerns in relation to structural and drainage impact on adjacent residence.

6.5. **Responses to the First Party Appeals Response**

Appellant Responses

The responses of the appellants, Breege Gordon, Lansyn Residents Association and Alexander Patrick Corcoran and Dorothy O' Regan can be summarised as follows:

- Most of the terraced houses are overly concentrated in the north-east corner and the number and location of these should be such as to foster an integrated community.
- The majority of the Part V units should be integrated across the scheme.
- The Lansyn residents' solutions tie in with the local transport plan.
- HSCP 6 is contravened in that only one single storey unit is provided.

- The only opportunity to comment on the design changes at F.I. stage was via this appeal and there should have been consultation with Lansyn residents.
- Permission has not been granted for an extension of the existing pedestrian and vehicular access as no rights of way exist.
- The history and pyrite situation were described in order to put the appeal into context.
- Lansyn was completed in November 2013 with the taking in charge.
- The multiple applications are relevant given what was attempted.
- There are other connectivity options that would not impact Lansyn residents directly and if there is to be a permeability link to the north it should be reinstated within the development.
- There is no desire for connectivity links adjoining any of the Lansyn boundaries.
- There are no legal rights of way from the Lansyn estate through the boundary into the applicant's site and the applicant does not have the legal right to remove the shared boundary and it constitutes part of the legal boundary.
- The land to the north of the site went on the market one day after the deadline for submissions to ACP.
- The boundaries with the adjacent estate provide a sense of enclosure and identity and it is not for the planning authorities to remove it and force integration with the new development. The residents control Lansyn.
- The claim that the boundary fence is in the title of the site conflicts with the taking in charge boundary.
- The applicant's submission to the local transport plan only related to the lands to the north which went on the market the day after ACP submissions closed.
- The road safety concerns in relation to impacts on Lansyn are justified.
- The location of the terraces in one part of the estate and provision of only one bungalow fails to align with HSCP 6.

- The Lansyn residents wish to retain their identity as a private estate.
- The proposed houses do not look like the Lansyn houses.
- The applicant's previous applications showed a disregard for the 1999 plan and the plan for the site and area should be as close as possible to ideal.
- The applicant has not proposed alternative solutions or even a compromise for negotiation.
- The grounds of appeal have been evidenced and the applicant's approach is not needed at a time of pyrite crisis.
- Building estates through an estate should not be allowed.
- ACP cannot grant permission if access relies on disputed land.
- The purchase of the land to the north of the site would resolve the access issue without using Lansyn.
- The previous appeal submission of the Lansyn residents remains including the solutions proposed.
- Allegations in relation to the conduct of the applicant, engineers and legal representatives in relation to the mapping of the site.
- The Council are in breach of the taking in charge agreement such that the planning permission granted is invalid.
- No rights of way exist through the boundary fence.
- There would be no privacy for the existing dwelling adjacent to the proposed laneway and no room to plant a buffer.
- 25 of the houses will be for Part V.
- Creating rat runs through estates is unsafe even with ramps.
- The surrounding lands will soon be owned by the applicants and ACP should look at the big picture.

Observer Response

A response to the First Party appeals response was received from the observers Dr Charles and Samantha Meehan which can be summarised as follows:

- Standard processes in relation to the receipt of the significant further information were not followed in that public notices were not sought and submissions were not sought from third parties or public bodies. This effect on the rights of third parties is of such serious concern that it merits refusal.
- The application includes misleading detail as there is no existing boundary block wall to be retained adjacent to the historical wall and adjacent residents were not able to comment on this F.I. stage submitted detail.
- There is a substantial excavation proposed to the base of the historic wall and this has not been addressed.
- The P.A. did not fully investigate the facts on the ground.
- The historic wall and trees of the adjacent residence are likely to be undermined and damaged by the erection of any new footings and wall and refusal of permission is merited.
- The construction of a new boundary retaining/wall is a breach of the planning process and of the rights of the adjacent residents as they had no opportunity to respond to this and given its negative effects.
- While separation distance requirements may be met the terrace for units 10-17 will invade the privacy of the adjacent existing residence and will be a disproportionate shock.
- Units 10-17 should be bungalows or failing this permission refused.
- The Part V concentration as currently planned is poor and will lead to social disparity and there is a risk from the adjacent wall and trees.
- The “in principle” Part V agreement avoids clarity and fairness to adjacent residents.
- 8 to 10% of the houses should be bungalows to meet local needs, to reduce overlooking impacts and to provide a good housing mix per LAP policy.

- The development is likely to contribute to increased flooding in the town without Irish Water storm water system upgrade and a new Moy drainage scheme and the application is therefore premature.
- While the design replicates the previous permitted layout it includes a 60% increase in density in the vicinity of the residences alongside units 10-17.

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 reports 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:

- Principle of Development
- Access
- Density
- Layout and Design
- Infrastructure
- Other Matters

7.2. **Principle of Development**

7.2.1. Under the site zoning for 'new residential' (LUZ 7) development, which is "*to provide for high quality new residential development and other services incidental to residential development*", public open space and 'residential – multiple (two or more units)' are permitted in principle use. I am therefore satisfied that the proposed residential and open space land uses would, in principle, accord with the zoning objective for the site and with the Local Area Plan.

7.3. **Access**

7.3.1. The appellants have raised issues, inter alia, in relation to vehicular access via the adjacent Lansyn residential estate, access through the existing boundaries at the

end of the three roads adjacent to the subject site and in relation to the internal laneway route through the site.

Operational Access

- 7.3.2. I note that there would be three vehicular access routes into the site from the west / north-west via the Lansyn housing estate which links to the Bohernasup Road c.130m to the north-west. The Lansyn estate includes a mix of detached two storey dwellings, two storey terraces, bungalows, dormer dwellings and two separate areas of open space. I note the planning history for the site whereby permission was granted for 62 no. dwellings to be accessed via the Lansyn housing estate. The subject revised application is for 50 no. dwellings to be accessed similarly from the Lansyn estate which is accessed from the main Bohernasup local road which is within the 50kph speed limit area. While it appears that some enabling works were undertaken as part of the permission for the 62 no. dwellings and a terrace of houses was commenced, from my site visit I observed no significant works outside of these although I did observe mounds of rubble and stones particularly to the north-east and south-east areas of the site.
- 7.3.3. I note that Objective HSCO 2 of the LAP is to ensure that new access proposals to any adjoining lands through an existing completed residential estate is provided for pedestrian or bicycle movements/connectivity only. I also note Objective HSCO 1 which supports consolidation and densification of infill sites for residential development. I consider that the site is located adjoining part of the built-up environment of the town and adjoining lands zoned for new residential development.
- 7.3.4. I note the taking in charge agreement for the Lansyn estate in the appeal documentation dated 25th November 2013. Based on this, notwithstanding the assertions in the appeals that there is no right of way through the Lansyn estate as it is in private ownership, I note that as the estate roads are taken in charge that there are rights of way over the roads of the estate for members of the public. Notwithstanding this, the appellants note that there are walls and fences along the south-east boundary between the Lansyn estate and the subject site including at the three proposed vehicular access points. The applicant contends that these physical boundaries are within their ownership whereas the appellants dispute this and effectively contend that the applicant has no legal right to remove the boundary walls

and fences and that there is no legal right for vehicular access from the Lansyn estate.

- 7.3.5. I note that as part of its appeal response the applicant has asserted a legal right to remove the barriers between the Lansyn estate and subject site notwithstanding the serious concerns of the appellants in this regard. This is supported by a statement from the legal representatives of the applicants. Per Section 5.13 of the Development Management Guidelines, based on the information submitted, including that with the appeal and at F.I. stage, I note that it is not clear that the applicant does not have sufficient legal interest to provide access from the Lansyn estate. I note that any grant of permission is subject to the provision of Section 34(13) of the 2000 Act, as amended. Per this Section I note that if the applicant lacks title or owner's consent to do the works permitted by a planning permission, that the permission does not give rise to an entitlement to carry out the development. On this basis I do not consider that this issue merits a refusal of permission.
- 7.3.6. Policy HSCO 2 of the LAP seeks to avoid new access proposals through residential estates that have been completed other than for pedestrian and cyclist movement. Notwithstanding the contentions of the appellants that Lansyn is a completed residential estate, I note the planning history on which part of the Lansyn development was permitted included similar road connections from the built part of that permission towards the south-east of Lansyn. In this context I consider that the partially completed permission under reg. ref. 99/701985 effectively established the principle of this type of access from the as-built portion of that permission to the uncompleted area of at least part of the subject site.
- 7.3.7. I also consider the roads and public services of the Lansyn estate to be existing infrastructure that can be efficiently used as proposed which in my opinion is preferable to building new separate access infrastructure via a more circuitous route. I also consider that they are of a suitable standard and design to satisfactorily accommodate such movements. I consider this to be justified in principle given the planning history and in relation to making efficient use of existing road infrastructure and the diffusion of vehicles over the roads in closest proximity due to the use of three vehicular entrances. I also note MTO 3 of the LAP supports compact development that includes provision for pedestrian and cycle activity that integrates

with the existing road network and proposed active travel network. Further I note the site zoning for residential development under the LAP and the other policies of the LAP which encourage residential development subject to the other policies of the LAP.

- 7.3.8. I therefore conclude that while the development would materially contravene Objective HSCO2 of the LAP, but for the above reasons I do not consider that this objective is justified or appropriate in this instance. I further note that s.37(2) of the 2000 Act, does not apply to material contravention of an LAP.
- 7.3.9. I note that the revised site layout plan also includes provision for enhanced pedestrian and cycle connectivity within the site and to the adjacent lands where possible. I note that the submitted DMURS Design Compliance Statement prepared by Trasky demonstrates compliance with DMURS standards, including 5.5m road widths, 2m wide footpaths and raised road crossings and surface changes in colour for enhanced pedestrian and cyclist priority, for such urban streets ensuring the street layout provides an appropriate sense of place, appropriately slow traffic speeds and is accessible to all.
- 7.3.10. In my opinion this would be consistent with Objective TVHO 6 of the CDP given that it would result in a balanced approach to movement, place making and streetscape design in accordance with DMURS. I am satisfied that emergency vehicles and waste collection vehicles would be able to access the site as required in a safe manner noting in particular the 4.5m corner radii at the junctions. Should permission be granted, I recommend that a condition similar to the P.A. condition requiring quality audits and their application be applied to ensure the appropriate standards of road safety are adhered to/delivered should any improvement/modifications be required.
- 7.3.11. Regarding connectivity outside the site, I note that a pedestrian link was included to the north-west as part of the original plans and this was removed at F.I. stage. As such a connection is envisaged in the Ballina Local Transport Plan (LTP), should permission be granted I recommend provision be made for this connection to potentially provide permeability to surrounding lands if such lands are developed in the future. In this context I do not consider that a masterplan, which is not a

requirement of the CDP or LAP including for lands to the north, is required at this stage.

- 7.3.12. I note that as part of the F.I. request the applicant was requested to demonstrate improved permeability through the site and in this regard the revised site layout includes a pedestrian link running from the north-east towards the south-west and over to the south-east of the site and in my opinion this is a significant improvement in the permeability within the scheme and in relation to adjoining pedestrian links to Lansyn.
- 7.3.13. This proposed link includes a laneway between the Lansyn estate, particularly no. 30 Lansyn, and the new houses. I consider the route of this link to be reasonable in terms of both providing permeability within the scheme and providing permeability from Lansyn into the scheme and insofar as it would link up the internal open spaces within the scheme. The appellants have raised issues in relation to negative impacts on adjacent residential amenities in the vicinity particularly due to anti-social behaviour associated with such laneways.
- 7.3.14. Based on the principles of high quality urban design, I note that such public spaces should generally be overlooked to ensure passive surveillance to avoid this issue. On this basis, should permission be granted, I recommend that the main doorway entrances of the directly adjoining houses be relocated to face the laneway and with no laneway boundary wall to be provided along the full north-west elevations and front gardens of these adjoining two dwellings house numbers 26 (house type C2) and 35 (house type E). This would ensure adequate activation of the laneway and passive surveillance of same such that in my opinion it would not give rise to undue anti-social behaviour or safety impacts and it would enhance the space. I note this would require an internal redesign of the floor areas of these dwellings which I consider to be possible. In my opinion, this would allow the provision of the enhanced permeability within the scheme while ensuring no undue negative impacts on adjacent residential amenity.
- 7.3.15. I note the existing Lansyn road network is laid out in such a manner that it provides for traffic calming, for example in relation to the limited road width and bends in the main spine which limit forward visibility reducing vehicular speeds. In relation to potential traffic congestion and safety issues in the Lansyn estate, I note the

absence of a submitted Traffic Impact Assessment in relation to the additional vehicular movements through the adjacent Lansyn estate which would be likely to exceed the threshold for same under Section 7.5 of Volume 2 of the CDP (i.e. more than 10% of the existing traffic level on the road or 5% where the road is already congested).

- 7.3.16. I do not consider the existing Lansyn roads to be already congested but given the 10% threshold relative to existing traffic, in my opinion the submission of a TIA is a mandatory requirement of the CDP. Accordingly, given the absence of a TIA, I consider that the proposed development would materially contravene Section 7.5 of Volume 2 of the CDP for the above reasons. However, I note the quality of the existing road infrastructure in and adjacent to Lansyn and that the proposed number of houses at 50 would not be so large as to give rise to a significant extra number of car based trips from the site, for example more than 40 trips is unlikely. In this context I do not consider that undue excessive congestion would result within the Lansyn estate, at its junctions or at the junction with the Bohernasup Road.
- 7.3.17. I also note the lack of concern from the Council's internal Road Design section and Area Engineer. Should the Commission disagree, it may wish to consider if any congestion that may arise would be outweighed by the planning benefits of developing this zoned and connected site. I also note that the Commission has the power to grant permission under Section 37(2)(a) where it considers it is merited despite an identified material contravention of the CDP and it may wish to consider this option based on the above planning considerations. Should a refusal be considered in relation to what I consider to be the material contravention of Section 7.5 of Volume 2 of the CDP, I note this is a new issue and the Commission may wish to consider its options in this regard should it agree with this assessment.
- 7.3.18. In relation to the two central roads within the scheme where they would end close to the south-east boundary of the site, I note the potential for the creation of ransom strips at these areas. Should permission be recommended I recommend a specific condition be required to ensure these roads are completed up to the south-eastern boundary to ensure potential future connectivity to the adjacent lands which are also zoned for new residential development. Such a condition, in my opinion, would not

necessarily imply a vehicular link as they it could be satisfactorily designed such that future links would only be for pedestrians and cyclists if deemed appropriate.

Construction Access

- 7.3.19. I note the safety concerns of the adjacent residents, particularly those of the Lansyn estate through which the site would be accessed during the demolition and construction stage. The applicant has submitted phasing details and a Programme of Works and Construction Safeguards report prepared by Taylor McCarney Architects. I note Phase 1 would be most of the area to the north-east and phase 2 would be the remaining houses towards the south-west portion of the site with internal construction access routes to be provided. Contractor parking would be in the south of the site. The site access would be adjacent to no. 22 Lansyn where there would be a wheel wash area. This would avoid access through the whole of the Lansyn estate and would be the shortest route through part of the estate.
- 7.3.20. I note the submitted Outline Specification prepared by Taylor McCarney Architects, the Programme of Works and Construction Safeguards prepared by Taylor McCarney Architects Construction Management Plan and Phasing Programme and this includes measures in relation to demolition, site excavation, site management measures to maintain the environment during construction, construction traffic routes and parking and safety measures and signage. Noting this and the concerns regarding potential construction impacts, I note that issues in relation to pyrite are outside the scope of this planning report and that there is a general civil obligation on any developer to avoid damage to adjoining properties particularly given the argued presence of pyrite in some or all of the adjacent Lansyn houses.
- 7.3.21. While some disruption is inevitable and unavoidable, I consider it reasonable to allow for construction access through the adjacent Lansyn estate where any impacts would be temporary in nature and managed in line with best practice which I recommend be specifically conditioned should permission be granted and would be required in law to avoid damage to property in the vicinity. Should permission be granted, I recommend a condition in relation to demolition and construction management to ensure best practice measures are applied.

- 7.3.22. I note that 1.8m high hoarding would be placed around the site during construction including inside the Belleek Castle wall along part of the eastern site boundary which adjoins the Belleek Lodge housing estate directly to the south-east of this boundary. I note this wall is not within the curtilage of a protected structure. I note the concerns of the observers in relation to potential impacts on this wall which forms the back boundary wall of some of the Belleek Lodge residences and on trees in the vicinity. .
- 7.3.23. I note that following F.I. stage the requested section drawing (Proposed Site Sections Part 1) through the boundary with the closest dwelling (No. 13 Belleek Lodge) was provided showing the difference in ground levels and where safeguarding and retention measures were proposed. I note that this section shows the retaining wall without a setback from the old boundary wall other than behind unit no. 9.
- 7.3.24. While the absence of a setback is not ideal, it would facilitate the residential development in a manner that would protect this wall, although mostly obscuring it from view from the proposed development. This approach also demonstrates the protection of adjacent property, particularly the houses backing on to the site from Belleek Lodge. I note that a grant of permission would not confer any authority to damage this wall on the adjacent lands, including any damage that would impact the adjacent trees. Noting this, should permission be granted I recommend a specific condition to ensure the protection of the Belleek Castle wall and boundary trees. Accordingly, I have no significant concerns in relation to impacts on the structural integrity of the adjacent lands to the south-east.

7.4. **Density**

- 7.4.1. I note that the appellants have raised concerns regarding excessive density on the site. Ballina is identified as Tier 1 Key Town and Strategic Growth Town, wherein objective SSO seeks compact growth and sequential development.
- 7.4.2. Section 3.4.11 of the CDP refers to the application of higher densities to Ballina as a Key Town, but it also notes that density should reflect the existing character of a town and that there be a graded reduction in density. I note that the CDP provides for what it calls a low to medium density requirement of 20uph for inner suburbs outside of town centres (Volume 2, Table 2 identifies this as a Minimum Residential

Density Requirement). I note that the proposed density is 17.9uph based on the revised number of 50 units.

- 7.4.3. I note Objective TVHO 2 requires residential development to demonstrate that a housing density appropriate to its context is achieved, providing for a sustainable pattern of development,. Objective TVHO 5 of the CDP refers to achieving minimum appropriate densities in line with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009). In the context of these guidelines, the site can be considered to be a greenfield site although it is adjacent to the built-up area of the town and surrounded either by exiting residences or land zoned for residential development.
- 7.4.4. In relation to greenfield sites, these guidelines state that *“Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares”*.
- 7.4.5. I also note considerations in relation to the safeguards outlined in Section 5.6 of these guidelines such as conformity with the urban form of the area. I also note Objective TVHO 2 seeks inter alia housing densities appropriate to the context. I note that Section 4.4 of Volume 2 of the CDP provides for P.A. discretion in relation to maximum density standards, however this is followed by Table 2 which o provides for *minimum* residential densities for inner urban suburbs outside of town centres of 20uph.. I do not consider these provisions of the development plan being in conflict.
- 7.4.6. I note that Ballina is designated as a key town in the CDP. Per Section 3.3.3 and Table 3.5 of the Compact Settlement Guidelines, for such key towns in the suburban/urban extension areas *“it is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that*

densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)".

- 7.4.7. These guidelines then require a refining of density in relation to proximity to public transport (step 1) and then via considering issues of character, amenity and the natural environment. Based on these guidelines and the considerations required, noting the established low density pattern of the area, the other considerations raised in this assessment and the distance from the town centre, I consider that the appropriate density for the site would generally be towards the lower end of the recommended density range of 30 to 50uph. Policy Objective 3.1 of the guidelines requires that the density ranges be considered in relation to individual planning applications. While noting this, I consider that the CDP policies which incorporate the 2009 guidelines take precedence given that the guidelines have not been incorporated into the development plan.
- 7.4.8. Overall, in my opinion, the proposed density would not be consistent with CDP policy being below the minimum recommended density for inner suburbs of towns and being significantly below the density recommended in the 2009 guidelines which are incorporated into the CDP although having regard to the site context some reduction below 30uph could be allowed. I note the density of the partially completed permission for Lansyn of the 24 houses is in the region of 17uph (this excludes housing directly in the vicinity of Bohernasup Road separately granted permission prior to the permission under reg. ref. 99/701985). These policies, in my opinion, allow for an evolution of zoned residential lands to provide for more compact development than that found in the existing Lansyn estate.
- 7.4.9. In my opinion the proposed densities below those minimum densities set out in Volume 2, being below 20uph, would materially contravene Table 2 of Section 4.4 of Volume 2 of the CDP. The proposed development would contravene CDP policy where it seeks compact and sustainable development and would be contrary to Policy CSP 4 and Objective SSO 6 of the Development Plan and Policy DSP 2 of the Ballina Local Area Plan LAP in this regard. In my opinion these policies and objectives are not so specific that a material contravention can be cited.
- 7.4.10. I note that this issue of excessively low density, and material contravention of the CDP Volume 2 Table 2, for the site has not been previously raised with the applicant

and with the third parties such that I consider it a new issue. Accordingly, while I recommend that permission be refused in relation to this issue, the Commission may wish to consider if a request for further information on the matter from the parties is merited. It may also wish to consider if there is a planning merit to using Section 37(2)(a) to otherwise allow for a grant of permission in relation to this issue.

7.5. Layout and Design

- 7.5.1. I note that the appellants have raised issues relation to the incompatibility of the house designs with Lansyn. I note policy BEP 24 seeks flexibility in relation to infill development focussed on design-led outcomes and Section 4.5 (Volume 2) of the CDP seeks, inter alia, a strong sense of place and good sense of enclosure. Having reviewed the submitted drawings, I do not consider that the house designs, two-storey detached, semi-detached and terraced with the exception of one bungalow, would be incompatible in design terms with the existing houses in Lansyn.
- 7.5.2. In my opinion the design differentiation within the scheme and by comparison with the existing houses at Lansyn would add visual interest and character to the area to a sufficient degree and that the uniformity in parts of the scheme would provide an appropriate sense of enclosure and an appropriately strong streetscape for what would be a suburban setting. This, in my opinion, would be consistent with policy HSCP 2 of the LAP which promotes healthy place making.
- 7.5.3. I note that the northern and southern areas would read as two distinct separately designed areas albeit with a link between the two. In my opinion the design of the northern area would represent a reasonable continuation of the design pattern of the Lansyn estate immediately adjacent to it where there is a terrace and the southern part of the estate would represent a not excessively dissimilar continuation of the detached two storey design pattern of the adjacent Lansyn houses to the north-west.
- 7.5.4. I note the open space would be located centrally in relation to the two distinct housing areas within the scheme. The houses would generally face the open space across the roads. In this way I consider the space would be appropriately enclosed and there would be passive surveillance of same. I consider that the size of the two spaces 4,781sqm and 1,949sqm together with the layout would provide areas of high quality useable open space. This would equate to 24% of the site area and this

would be in excess of the 15% minimum required in the CDP of Volume 2 Section 4.7 and I am satisfied in relation to same.

7.5.5. I note the landscaping scheme for the site, including some tree planting in the open space areas, would be adequate and would enhance the layout of the scheme and would aid in assimilating it with its surroundings consistent with Section 4.10 of Volume of the CDP. Should permission be granted, I recommend a condition to require the implementation of the landscaping layout submitted at F.I. stage.

7.5.6. I note the unit mix proposed at F.I. stage consists of:

Table 1 – Unit Mix by House Type

House Type	5 bed	4 bed detached	4 bed semi-detached	3 bed semi-detached	3 bed terrace	Two bed terrace and detached bungalow
Number	17	1	6	4	10	12
Percentage	48%			28%		24%

7.5.7. I note that planning policy in relation to unit mix under Objectives TVHO 1 and TVHO 5 of the CDP and policies/objectives HSCP 2, HSCP 6, HSCO 4 and MTO 3 of the LAP while requiring in some instances a “sustainable mix” and a “good mix” is non-specific as to what this constitutes. Accordingly, I do not consider there to be a strong policy basis on which the unit mix of the scheme should be altered and I am satisfied that the proposed unit mix would provide a sustainable mix of housing types for future residents.

7.5.8. In relation to Part V requirements, I note that should permission be granted there would be a legal requirement for the developer to enter into a Part V agreement with the Council and that this agreement would form the basis on which Part V units would be distributed within the scheme notwithstanding that at F.I. stage the indicative distribution of such units was changed within the scheme for some units to be also located in its southern part. Given that the distribution of Part V units in the

scheme is not a planning policy matter, notwithstanding the concerns of the appellants in relation to the distribution of such units and that other units in the scheme could be used for Part V allocations from other schemes, I do not recommend any condition giving a requirement as to the location of such units within the scheme or in relation to the quantity of such units in the scheme. For completeness, I do not consider tenure type to be a significant relevant planning consideration in this regard.

- 7.5.9. I note the concerns of third parties in relation to impacts on residential amenity in the vicinity particularly in relation to the impact of unit no.s 10 to 17 on the adjacent residences to the south-east. In this regard I note that the minimum separation per with Section 4.5.5 of Volume 2 of the CDP is effectively 11m and this has not been met in relation to house no.s 13, 14, 15, 16, 17, 49 and 50 although at least an 8m depth is achieved and in my opinion this is not inconsistent with SPPR 1 of the Compact Settlement Guidelines which effectively allows for rear garden depths of 8m. I do not consider this to be a material contravention of the CDP as Section 4.5.5 refers to 22m and does not specifically refer to 11m.
- 7.5.10. While I note that the minimum areas of private open space would be satisfied, I note that Section 4.8 (Private Open Space) requires rear garden depths to be a minimum of 8m and this would not be achieved in all cases as noted above. I consider this to be a material contravention of the CDP but that it can be justified, per Section 37(2)(a) of the 2000 Act by reference to SPPR1 of the Compact Settlement Guidelines which effectively allows for rear garden depths of 8m.
- 7.5.11. I note no issues in relation to the mandatory CDP 22m separation distance standard such that I am satisfied in relation to rear separation distances and private open space provision. I also note that the closest adjacent residences at Belleek Lodge estate would be at a higher level than these proposed units and that SPPR 1 of the Compact Settlement Guidelines allows for lower separation distances than those proposed from the site boundaries.
- 7.5.12. In relation to separation distances from side elevations, I note that Section 4.5.5 of the CDP provides for a minimum separation distance between side walls of adjacent dwellings of 3m in this regard. I note this minimum requirement would not be achieved in most cases where side elevations face within the development although

it would be achieved in relation to separation with the existing houses surrounding the site. On this basis, I consider that there would be a material contravention of the Section 4.5.5 in relation to the 3m separation distance requirement. However, I note it is open to the Commission under Section 37(2)(a) to grant permission in such circumstances. Should the Commission be minded to grant permission, I consider that given that side facing windows at first floor can be conditioned to be in opaque glass, the reduced separation distances would not give rise to any undue loss of privacy for the future residents of the affected dwellings.

- 7.5.13. In my opinion this would not significantly impact on residential amenities within the scheme in terms of overbearing or overshadowing. Moreover, were the Commission otherwise considering a grant of permission, to comply with this standard would via alterations to the layout may result in the omission of at least one unit further reducing the proposed density or alternatively reducing the floor area of residential development to be provided. I do not consider this to be appropriate in the context of sustainable development and compact development principles where a significantly greater density and provision of residential development is generally sought. In the event of a decision to grant permission, it is considered that regard should be had to this identified material contravention of the minimum side separation distance standards of the development plan.
- 7.5.14. Given that the separation distances would be adequate or more than adequate consistent with CDP Volume 2 Section 4.5.5 (overlooking), I have no significant concerns in relation to overlooking, overshadowing or overbearing of adjacent residential properties. Accordingly, I have no concerns in relation to undue devaluation of residential properties in the vicinity.
- 7.5.15. Concerns have been raised by third parties in relation to the walls/boundaries proposed in the vicinity of the Belleek Castle wall along the south-eastern boundary of the site. In this regard, I note the existing wall along the south-east boundary is shown to remain in place and that a new retaining wall is proposed for parts of the site inside the castle wall and separated from it and along other parts a new concrete wall is shown inside it. Noting this, I am satisfied that the existing Belleek Castle wall would be protected by this arrangement and should permission be granted I

recommend a condition similar to that of the P.A. for the boundaries to be consistent with those shown on the drawings submitted at F.I. stage.

- 7.5.16. I note no significant concerns in relation to residential standards in relation to minimum internal floor areas or private open space provision for the proposed houses. In relation car parking, I note two car spaces are proposed for each house including the two bedroom houses where Table 7 (Volume 2) of the CDP normally requires one space per two-bed dwelling. However, one visitor space is also required per unit such I am satisfied that the number of spaces for the two bedroom units would be consistent with the CDP.
- 7.5.17. In relation to the 17 no. 5 bed units, the 7 no. 4 bed units and the 14 no. three bed units, these would each have two spaces allocated per the standard of Table 7. In relation to the extra visitor spaces required for each of the three, 4 and 5 bedroom units, Section 7.12.1 of Volume 2 of the CDP states that "*All new development proposals will normally be required to meet the minimum Parking Standards set out below*". Table 7 notes that these are minimum standards. Therefore noting the deficiency in visitor spaces and inconsistency with Table 7 of the CDP, in my opinion the failure to provide for an additional visitor space for each of the three, 4 and 5 bed units would materially contravene Table 7 of Volume 2 of the CDP.
- 7.5.18. Noting Section 37(2)(a) of the 2000 Act as amended, the Commission has the power to grant permission where a proposed development contravenes materially the relevant development plan. Noting this and SPPR3 of the Compact Settlement Guidelines where two spaces per dwelling is provided for as a *maximum* rate of parking provision in intermediate/peripheral locations, I consider the omission of visitor spaces for the three, 4 and 5 bedroom units to be justified. These extra spaces would, in my opinion, encourage excessive car dependence for future residents which is contrary to the general principles of sustainable development and CDP policies encouraging active travel and permeability for alternative modes. Noting the relatively small number of two bedroom units, I do not consider the sustainable travel issue to be significant in relation to these units also noting that the total number of spaces for these units conforms with Table 7 of the CDP.
- 7.5.19. Also, separately I consider that it would be more beneficial for the amenities of future residents to retain the open space as proposed rather than to partially use it for

visitor parking space provision. This would also avoid open space being given over to unattractive surface parking areas and maintain the maximum area for public use / amenity. In line with SPPR 3 of the Compact Settlement Guidelines, for such an intermediate or peripheral location (all lands in small and medium sized towns), I consider that that two spaces per dwelling is justified given the lack of quality public transport provision in the town. In the event of a decision to grant permission, it is considered that regard should be had to this identified material contravention of the minimum parking standards of the development plan.

7.6. Infrastructure

- 7.6.1. I note the appellant concerns in relation to potential flooding, drainage and the proposed swale. I note the submitted Flood Risk Assessment prepared by Lohan and Donnelly Consulting Engineers. This notes that the site is not vulnerable to coastal, fluvial, pluvial or groundwater flooding. I note per the OPW flood maps that the site is located within Flood Zone C. Nevertheless, that FRA notes that the surface water strategy for the development proposes a combination of SUDS measures, including permeable paving and a dry swale, which would be integrated into the scheme. It notes that the *“proposed SuDS measures along with proper implementation of operation and maintenance of the drainage system in accordance with CIRIA 753 and The SuDS Manual will ensure that the new proposed development will not cause any flooding in the surrounding areas”*.
- 7.6.2. I note that the FRA notes a 20% climate change allowance and that the proposal will not increase run-off by comparison with the existing site and I am satisfied that no significant risk of flooding would result from the proposed development.
- 7.6.3. In relation to surface water drainage, SUDS measures are proposed including permeable paving and the use of a swale. I note the submitted Engineering Services Report at F.I. stage. I note that following F.I. the P.A. had no concerns in relation to the use of the swale to contribute towards the SUDS features of the scheme and that it would not interfere with the use of the public open space within the scheme. I note that the swale would contain surface water as an attenuation feature and that the depths are standard. Should permission be granted, I recommend a condition to ensure SUDS measures are carried out so that surface water drainage is catered for on site.

7.6.4. In relation to water provision and wastewater treatment, it is proposed to connect the scheme to the public network and a letter from Uisce Éireann has been submitted confirming feasibility although subject to some local upgrades. Connections would be via the Lansyn estate which I note is taken in charge such that, notwithstanding the concerns of the appellants, I am satisfied this would be consistent with standard best practice and which would make efficient use of the existing network. I note that there is available capacity at the Ballina WWTP and should permission be granted I recommend a standard condition in relation to connection to such services.

7.7. Other Matters

7.7.1. I note issues have been raised in relation to the red line including parts of the public road in Lansyn. The applicant's F.I. response has advised that all required service connections traverse lands within the applicant's ownership. A submission from the applicant's legal representatives has been submitted in support of this. On this basis and noting that Section 34(13) of the 2000 Act does not confer authority to carry out development where a permission is granted, I do not consider this to be a significant planning issue.

7.7.2. I note the submitted Final Archaeological Assessment Report prepared by TVAS Ireland Ltd. This report recommended that construction groundworks on the undisturbed parts of the site should be subject to archaeological monitoring by a suitably qualified archaeologist. I note the P.A. was satisfied with this response subject to standard condition. Should permission be granted I recommend a standard archaeological condition in relation to this issue noting no national monuments have been identified on the site or close to it.

7.7.3. In relation to public lighting, I note the submitted External Lighting Design report prepared by Sabre Lighting Consultants. Should permission be granted I recommend the application of a standard condition to ensure compliance with the relevant Council standards in this regard.

8.0 Material Contravention

I have identified potential material contraventions of the provisions of the CDP in relation to the following matters:

- Separation between dwellings.
- Rear garden depths.
- Car parking.
- Section 7.5 (Road and Traffic Assessments).
- Density.

In respect of car parking, traffic assessments, rear garden depths and separation distances, I consider that a material contravention of the plan is justified for the reasons set out in my assessment above. I have recommended a refusal of permission on the grounds of the excessively low density of the development proposed, however. As this is a new issue the Commission, if it agrees with this view, may wish to consult the parties on this matter prior to coming to a definitive determination if considering refusing permission on this basis. The P.A. did not refuse permission on this basis and therefore the provisions of s.37(2)(b) do not apply in this instance. In the event of a decision to grant permission regard should be had to these matters.

9.0 EIA Screening

- 9.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 1 and 2 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.

10.0 Appropriate Assessment Screening

- 10.1. See Appendix 3 for detailed AA Screening. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be

likely to give rise to significant effects on Killala Bay/ Moy Estuary SAC (site code 000458) and River Moy SAC (site code 002298) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

10.2. This determination is based on:

- The absence of any direct hydrological connectivity between the site and the European sites.
- The distance to the European sites and the urban intervening landscape and habitats.
- The unsuitability of the site for use by bird species identified as qualifying interests of the SPA.
- The location within a serviced urban area with available capacity noted at Ballina WWTP.
- The screening determination of the Planning Authority.

11.0 Water Framework Directive

11.1. I note designated waterbodies must be improved to at least good ecological status per the requirements of the Water Framework Directive. I have carried out a screening assessment in Appendix 4 in relation to impacts related to the requirements of the Water Framework Directive. Noting the surface water drainage design measures and proposed connections to the public water and wastewater network, I have concluded that it can be ruled out that the proposed development will not pose a risk to surface and ground water bodies.

11.2. Given the position above the Ballina groundwater body (code IE_WE_G_0035) and the c.230m distance to the Moy120 (Code IE_WE_34M021100) river water body with intervening urban development, I consider that the proposed development would not prevent the future attainment/maintenance of a 'Good' water status and would not result in the deterioration of existing water quality of the above named waterbodies. The proposed development would therefore be consistent with the Water Framework Directive. Accordingly, I note no significant water related issues in this regard.

12.0 Recommendation

12.1. I recommend that permission be refused for the reason below. Please note that this would constitute a new issue.

13.0 Reasons and Considerations

1. Having regard to Table 2, Section 4.4 of Volume 2 of the Mayo County Development Plan 2022-2028 which seeks minimum residential densities of 20 units per hectare for such a site and to Objectives TVHO 2 and TVHO 5 of Volume 1, which seek to achieve minimum appropriate densities and having regard to, inter alia, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), the proposed residential density for the site is considered to be excessively low and to materially contravene Table 2 of Section 4.4 of Volume 2 of the Development Plan which requires minimum densities of 20 units per hectare where 17 units per hectare is proposed. This would fail to achieve a compact and sustainable form of development, or make efficient use of investment in public infrastructure and services, in accordance with Policy CSP 4 and Objective SSO 6 of the Development Plan and Policy DSP 2 of the Ballina Local Area Plan 2024-2030. The proposed development 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.

Ciarán Daly

Planning Inspector

5th November 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-322994-25
Proposed Development Summary	Demolition of terrace block on site and construction of 50 no. dwellings.
Development Address	Bohernasup, 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="" 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.	
<input checked="" 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	

<p>type of proposed road 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><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, and</p> <p>(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>Construction of 50 dwellings on a site area of 2.79ha (site is within "other parts of a built-up area").</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>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322994-25
Proposed Development Summary	Demolition of terrace block on site and construction of 50 no. dwellings.
Development Address	Bohernasup, Ballina, Co Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</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>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</p> <p>Demolition of an incomplete terrace of 4 dwellings. Construction of 50 dwellings on a site area of 2.79ha. Connection to public water and sewer network.</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>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is remote from sensitive designated sites with built-up area between the site and such sites.</p> <p>No significant loss of trees or plants is proposed with the site consisting mainly of overgrown grassland, rubble, soil and stones in addition to the partially commenced terrace of four houses.</p> <p>Capacity available at Ballina WWTP.</p> <p>Site investigations indicate that there are no significant archaeological issues that cannot be addressed, via standard condition to ensure preservation by record and/or with the National Museum of Ireland.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact,</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>Nature of the development with no significant pollution at construction or operational stages.</p>

transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Negligible addition to wastewater treatment system, capacity available at Ballina WWTP. Temporary emissions during construction. No significant operational impacts.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination Template

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Demolition of terrace block on site and construction of 50 no. dwellings.			
Brief description of development characteristics and potential impact mechanisms	Demolition of existing terrace building, 50 new dwellings. Air and water pollution during construction			
Screening report	Y - Screening Report for Appropriate Assessment prepared by Moore Group Environmental Services (April 2025).			
Natura Impact Statement	None.			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Killala Bay/ Moy Estuary Special Area of Conservation (SAC) (site code 000458).	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]	c.0.4km	Indirect potential connection via groundwater and via public sewers connecting onwards to Ballina WWTP. No surface water bodies pass through the site.	Yes

	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Petromyzon marinus (Sea Lamprey) [1095] Phoca vitulina (Harbour Seal) [1365]</p> <p><u>Conservation Objectives</u>, NPWS, dated 31 October 2012.</p>			
<p>River Moy SAC (site code 002298).</p>	<p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alkaline fens [7230]</p>	<p>c.0.5km</p>	<p>Indirect potential connection via groundwater and via public sewers connecting onwards to Ballina WWTP. No surface water bodies pass through the site.</p>	<p>Yes</p>

	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Conservation Objectives, NPWS, 3rd August 2016.</p>			
Killala Bay / Moy Estuary SPA (site code 004036)	<p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Sanderling (Calidris alba) [A144]</p>	1.7km	Indirect potential connection via groundwater and via public sewers connecting onwards to Ballina WWTP. No surface water bodies pass through the site.	Yes

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p> <p>Qualifying Interests, NPWS dated 28th May 2013.</p>			
--	--	--	--	--

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Killala Bay/ Moy Estuary SAC (site code 000458).</p> <p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]</p>	<p>Direct: None.</p> <p>Indirect: Potential surface water run-off and dust run-off during construction. Potential foul water network impact at operational stage.</p>	<p>Noting the distance to the SAC, the absence of any surface water connection from the site, connection to and absence of a significant increased loading to Ballina WWTP and the dilution through distance, no significant effects anticipated.</p>

<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Petromyzon marinus (Sea Lamprey) [1095] Phoca vitulina (Harbour Seal) [1365]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No, while other plans and projects were accounted for in the Screening Report, no other effects of magnitude were noted that could create an additional/cumulative effect.	
	Impacts	Effects
Site 2: River Moy SAC (site code 002298). Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]	Direct: None. Indirect: Potential surface water run-off and dust run-off during construction. Potential foul water network impact at operation stage.	Noting the distance to the SAC, the absence of any surface water connection from the site, connection to and absence of a significant increased loading to Ballina WWTP and the dilution through distance, no significant effects anticipated.

<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alkaline fens [7230]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>		
	<p>Likelihood of significant effects from proposed development (alone): No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No, while other plans and</p>	

	projects were accounted for in the Screening Report, no other effects of magnitude were noted that could create an additional/cumulative effect.	
	Impacts	Effects
Site 3: Killala Bay / Moy Estuary SPA (site code 004036) Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]	Direct: None. Indirect: Potential surface water run-off and dust run-off during construction. Potential foul water network impact at operation stage.	Noting the distance to the SPA, the absence of any surface water connection from the site, absence of the type of ground/grassland that would be used by bird species or wetland habitat, connection to and absence of a significant increased loading to Ballina WWTP and the dilution through distance, no significant effects anticipated.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No, while other plans and projects were accounted for in the Screening Report, no other effects of magnitude were noted that could create an additional/cumulative effect.	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Killala Bay/ Moy Estuary SAC (site code 000458), River Moy SAC (site code 002298) and Killala Bay / Moy Estuary SPA (site code 004036).

The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Killala Bay/ Moy Estuary SAC (site code 000458) and River Moy SAC (site code 002298) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any direct hydrological connectivity between the site and the European sites.
- The distance to the European sites and the urban intervening landscape and habitats.
- The unsuitability of the site for use by bird species, identified as qualifying interests of the SPA .
- The location within a serviced urban area with available capacity noted at Ballina WWTP.
- The screening determination of the Planning Authority.

Appendix 4

Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>Step 1: The proposed development is for demolition of a terrace block on the site and the construction of 50 no. dwellings with connections to the public water and wastewater network.</p> <p>Site Area 2.79ha</p> <p>Total floor area 6,611.20sqm, demolition of 321sqm.</p> <p>The site is within a serviced urban area with available treatment capacity noted at Ballina WWTP.</p> <p>There are no surface water bodies running through the site. There is one river water body c.230m to the south the Moy_120 (Code IE_WE_34M021100) noted to be of “moderate” status with intervening urban development between the river and the site. The site is above the Ballina groundwater body (code IE_WE_G_0035) noted to be of “good” status.</p>			
An Bord Pleanála ref. no.	ACP-322994-25	Townland, address	Bohernasup, Ballina, Co Mayo.
Description of project		The proposed development consists the demolition of terrace block on site and construction of 50 no. dwellings.	

<p>Brief site description, relevant to WFD Screening,</p>	<p>The site is relatively flat in its middle area and slopes uphill towards the north-east corner and towards the south with the Ballina groundwater body (code IE_WE_G_0035) underneath the site and the the Moy_120 river water body c.230m to the south. The site is surrounded by urban development to the west, south, and partially to the east and by a field to the north and partially to the east.</p> <p>The proposed urban development would be located at a remove from the above water bodies with connections proposed to the public water and wastewater network and SUDS measures proposed, including a swale, in relation to surface water drainage.</p>
<p>Proposed surface water details</p>	<p>SUDS measures are proposed including permeable paving and a swale. The Flood Risk Assessment notes that it would not increase run-off by comparison with the existing site.</p>
<p>Proposed water supply source & available capacity</p>	<p>Public network with no capacity issues noted by Uisce Eireann.</p>

Proposed wastewater treatment system & available capacity, other issues	Public wastewater network with no capacity issues noted at the Ballina WWTP.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.230m to the south, with intervening urban	Moy_120 (Code IE_WE_34M021100)	Moderate	At risk.	Pressures on fish status/potential, general	Potentially via surface run-off and groundwater.

	developme nt between it and the site.				conditions, hydromorph ological condition, invertebrate status/potent ial, macrophyte status/potent ial, phytobentho s status/potent ial associated with Ammonia, Oxidised Nitrogen and	
--	--	--	--	--	---	--

					orth Phosphate.	
Groundwater Waterbody	Underlying site	Ballina groundwater body (code IE_WE_G_00 35)	Good	Not at risk.	No pressures.	Surface run-off to groundwater.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if
-----	-----------	-------------------------------	----------------------------	---	-------------------------------------	-------------------------------	--

							'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Moy_120 (Code IE_WE_34 M021100)	No direct link with intervening urban land and public network drainage systems.	Siltation, pH (Concrete), hydrocarbon spillages	Standard constructio n practice CMP	No	Screened out
2.	Ground	Ballina groundwat er body (code IE_WE_G_ 0035)	Pathway exists	Spillages.	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Moy_120 (Code IE_WE_34 M021100)	No direct link with intervening urban land and public	No link to water body given design and	Use of SUDS measures and swale	No	Screened out

			network drainage systems	infrastructure proposed.	with FRA noting no risks off-site from flooding. Connection to mains water and wastewater infrastructure		
4.	Ground	Ballina groundwater body (code IE_WE_G_0035)	Pathway exists	Potential link to water body via surface water draining to ground.	Potential link could give rise to risk.	Yes	Screened in

DECOMMISSIONING PHASE							
5.	N/A						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)			

		achieving good status*		
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	

Development Activity 4: Operation phase, groundwater	Use of SUDS measures and swale with FRA noting no on-site flood risk. Surface water drainage measures would ensure no increase in surface water run-off by comparison with existing situation.	Connection to public network for wastewater treatment with available capacity at Ballina WWTP.	Connection to public network for wastewater treatment with available capacity at Ballina WWTP.	Yes
--	--	--	--	-----

	Connection to public network for wastewater treatment.			
--	--	--	--	--