



An Bord Pleanála

Inspector's Report

Development Provision of road widening and junction improvement at Junction of R314 and L5191, Killala, Co. Mayo

Order: Compulsory Purchase Order No. 1, 2016

Local Authority: Mayo County Council

Objectors: Noeleen Farrell and Robert Stoneley

Inspector: Lorraine Dockery

Date of Site Inspection: 01/06/2016

Date of Oral Hearing: 02/06/2016

1.0 INTRODUCTION

1.1 This report relates to an objection received by the Board to the serving of a Compulsory Purchase Order No. 1 2016 for the compulsory acquisition of the lands described in Part II of the Schedule in the townland of Killala, County Mayo, for the purposes of providing road widening and junction improvement at the junction of Regional Road R314 with Local Road L5191. The Order had the seal of the Council affixed on the 23rd day of February 2016 and was advertised publically on the 7th of March 2016.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Killala town is located on the regional route R314 linking Ballina to Ballycastle. It is believed to have been founded in the 5th century and has a strong ecclesiastical history. The stated population of the town in 2011 was 574 persons. It functions as a service centre for the surrounding hinterland.

2.2 The lands subject of the CPO are located within the townlands Townplots East and Townplots West. The sites are all located to the east of and form part of Church Street. The total area of the lands in question measures a stated 0.1326 hectares.

2.3 Plot 1 has a stated area of 0.0757 hectares and is described as land in the CPO documents. It is roughly rectangular in shape and is currently under grass. The boundary between Plot 1 and Plot 1A is a stone boundary wall. This wall extends along both the L5191 and R314 frontage. This wall varies in height along the L5191 but is generally circa 1 metre high. The section of wall along the R314 measures approximately 1.5 metres in height when measured from the roadside but varies from circa 2 metres to 1.2 metres when measured on the inside due to ground changes. These heights have been given by the local authority in their submission to the hearing. Two mature sycamore trees are located in the north-western corner of Plot 1.

2.4 Plot 1A has a stated area of 0.0512 hectares and is stated to be a public road in the submitted documentation. A grain store, under renovation is located to the north of this plot.

2.5 Plot 2 has a stated area of 0.0019 hectares and is described as land in the CPO documents. It is triangular in shape. A two-storey dwelling is located to the west of this plot.

2.6 Plot 2A has a stated area of 0.0038 hectares and is stated to be a public road in the submitted documentation.

3.0 BACKGROUND

3.1. Part 8 Development Process

3.1.1 The proposed road widening and junction improvement has been subject to the process set out under in Part XI of the Planning and Development Act, 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended. On the 21st day of May 2013, the Council gave notice that they proposed the following works;

- Construction of Killala Inner Relief Road Phase 1 comprising road re-alignment/widening to R314 and LS5191 at Townplots East and Townplots West, Killala, footpath construction and accommodation works.

3.1.2 A report dated 08th October 2013 from A/Senior Engineer, prepared for the Part VIII process gives further detail on the proposal. The proposed re-alignment and widening have a length of 280 metres and the proposal also includes for the changing the junction priority at the R314/LS5191 junction; provision for surface water drainage, road marking and signposting as required; and provision of accommodation works as required. This report stated that the key element of the proposal was to provide a safe route in Killala, which will accommodate town and passing traffic along with pedestrians and tourists. The existing route is totally

substandard in width and alignment and makes no provision for pedestrians. The report stated that the proposed development is in compliance with the goals, policies and objectives of the Mayo County Development Plan 2008. The proposed development is consistent with the proper planning and sustainable development of the area, in that it will improve traffic safety and traffic congestion in the town. The current proposal widens and re-aligns the existing road, in accordance with proper road design standards. Each of the submissions received was addressed in detail with the recommendation being that the development as amended in response to the issues raised be approved.

3.1.3 The development was subject to **AA screening**, ultimately finding that the proposed development is not likely to have any significant effects on any Natura 2000 site.

3.1.4 At a meeting of November 11th 2013, the Council adopted the report dated October 2nd 2013 in accordance with Part 8 of the Local Government (Planning and Development) Regulations 2001 and the Local Government Act, 2001 in respect of the Killala Inner Relief Road- Phase 1, as amended. The amended approved scheme is detailed on Drawing No. 5558/13/01. The amended scheme includes for changes to the junction priority and also provision of a stone wall along the objectors, Noeleen Farrell and Robert Stoneley's property.

4.0 DETAILS OF COMPULSORY PURCHASE ORDER

4.1 This is a case relating to an objection received to the making by Mayo County Council of a Compulsory Purchase Order, No. 1 2016, for the compulsory acquisition of four parcels of land for the purposes of providing road widening and junction improvement at Junction of the R314 and L5191, Killala, Co. Mayo. The plots in question are demarcated grey on the accompanying map, outlined in red. The parcels of land are described in Part 2 of the Order as land other than land consisting of a house or houses unfit for human habitation, not capable of being rendered

fit for human habitation. Plots No. 1 and 1A are within the same ownership (Noeleen Farrell and Robert Stoneley), while Plot No. 2 and 2A are within the same ownership (Mary Walsh) as identified in the Part II of the Schedule of the Order. There was one objection to the CPO, namely the stated owner of Plots 1 and 1A.

4.2 The official seal of the Local Authority was affixed to the Order on 23rd February 2016, signed by the Cathaoirleach of Mayo County Council and seconded by the Chief Executive Officer of Mayo County Council. The proposed CPO was advertised in the Western People on March 7th 2016, advising that owners, lessees and occupiers of the land described in the Schedule would receive individual written notice and that a copy of the Order and the map referred to in it may be seen at all reasonable hours at the offices of Mayo County Council, Castlebar, Co. Mayo.

4.3 The advertisement included a schedule of land acquisition as follows:

No.	Area (HA)	Townland	Description	Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
Plot No. 1	0.0757	Killala	Land	Noeleen Farrell & Robert Stoneley	Nil	Noeleen Farrell & Robert Stoneley
Plot No. 1A	0.0512	Killala	Public Road	Noeleen Farrell & Robert Stoneley	Nil	Noeleen Farrell & Robert Stoneley Mayo County

						Council
Plot No. 2	0.0019	Killala	Land	Mary Walsh	Nil	Mary Walsh
Plot No. 2A	0.0038	Killala	Public road	Mary Walsh	Nil	Mary Walsh Mayo County Council

- 4.4 Both the Compulsory Purchase Order, associated map and the relevant newspaper notice have been forwarded by the Local Authority.
- 4.5 Other documentation forwarded to the Board by the Local Authority includes the Chief Executive's Order, Engineer's Report, and a copy of each form of Notice served in connection with the CPO, together with documentation in relation to Part 8 process.
- 4.6 The Engineering Report notes that the scheme extends from R314 Church Street to L6101 William Street, Killala and involves the construction and widening of 250m of road comprising two 3.5m wide lanes. There will be a footpath on either side of the carriageway, 2.0m wide. A boundary fence shall be erected along the edge of the footpath adjacent to the lands in the ownership of Noeleen Farrell/Robert Stoneley and Mary Walsh. Ancillary works shall comprise road markings and road signage. Currently there is only a 4 metre wide carriageway with a 90 degree bend where sight visibility is limited. The current proposal provides for an improved junction and bend and provision for pedestrians. It is noted that the boundary fence referred to above is to be omitted from the scheme and instead the existing stone wall is to be

replaced/reinstated using stone from that currently existing and augmented, if necessary.

5.0.0 PLANNING HISTORY

No recent applications on the subject lands

Applications of note in the vicinity include

15811

Application to demolish existing dwelling and construct new two-storey dwelling and all associated site works. Decision pending.

13297

Permission GRANTED for change of use of former grain store to a dwelling house

6.0.0 OBJECTIONS TO THE ORDER

6.0.1 Noeleen Farrell and Robert Stoneley

- CPO is ultra vires- Local Authority has not stated that it requires their lands
- Not established that proposed inner relief road is necessary and/or appropriate
- Queries suitability of land
- Queries documentation grounding CPO
- Alternatives not considered

- Constitutional protection of property- CPO not considered in light of their entitlements- LA has acted in breach of their constitutional rights
- Breach of EU law- not prepared or subjected development to an EIA- CPO likely to have significant effects on environment such as to carry out an EIA
- Contends there was a failure to comply with necessary statutory requirements in respect of the preparation, making and publication of the CPO- statutory requirements have not been complied with
- Material contravention of Mayo County Development Plan- inconsistent with a number of specific objectives
- Lands form part of a dwelling house of immense architectural, historical and cultural significance- Killala is a Heritage Town- CPO destroys the character and amenity of the dwelling house- undermines privacy and security and destroys urban fabric- proposal has had no regard to these considerations
- Scheme reminiscent of 1850s/1960s in terms of urban design, traffic planning, architectural and conservation principles

7.0. OBSERVATIONS

7.1. None

8.0. PLANNING POLICY CONTEXT

8.1. *National Policy Framework*

National Spatial Strategy 2002-2020 is a planning framework designed to achieve a better balance of social, economic, physical development and population growth between regions. It provides a national framework to

guide policies, programmes and investment in the country. Transport is identified as a key component of the overall spatial policy and an important tool in balancing regional development.

Smarter Travel-A Sustainable Transport Future 2009-2020

Smarter Travel sets out a transport policy for Ireland. The policy proposed is to retain investment in roads that will remove bottlenecks, ease congestion and pressure in towns and villages and provide the necessary links to support the NSS.

8.2 *Regional Policy Framework*

The Regional Planning Guidelines for the West Region 2010-2022 provides a framework for the long-term strategic development of the West Region over a twelve year period. It is acknowledged that for a peripheral region such as the West Region, good transport infrastructure is vital to promote economic and social well-being.

8.3 *Local Policy Framework*

Mayo County Council Development Plan 2014-2020

Killala is designated as a Key Town within the operative County Development Plan.

The R314 Ballina-Killala is designated as a Strategically Important Regional Road.

Killala Lodge is designated as a Protected Structure (RPS No. 0158) – detached three bay, two-storey over basement rendered house c.1800

The Killala Area Plan is contained within the operative County Development Plan

The site is zoned for Residential High Density (up to 20 units/ha)

Objectives

KTKA-10

It is an objective of the Council to upgrade and further develop the inner relief road as shown indicatively on Map KA2 subject to no significant adverse effects on the environment including the integrity of the Natura 2000 network

KTKA-11

It is an objective of the Council to investigate the provision of a bypass around the town and to improve traffic management through the provision of the inner relief road and the development of a town centre car park, subject to no significant adverse effects on the environment including the integrity of the Natura 2000 network

9.0.0 ORAL HEARING

9.1.0 An oral hearing was held in the Hotel Ballina, Dublin Road, Ballina, Co. Mayo on 02nd June 2016. The hearing commenced at 10.00am and an audio recording of the proceedings was made. The recording is attached to this report.

9.2.0 Attendance at the hearing was as follows:

9.2.1 *Local Authority, Mayo County Council*

Mr. Patrick Butler- SC

Mr. Kieran Irwin- Executive Engineer

Mr. Iain Douglas- Senior Planner

Mr. Kevin Keegan- Executive Architect

Objectors

Mr. Michael O'Donnell- SC

Ms. Noeleen Farrell- objector

10.0.0 ASSESSMENT

10.0.1 The proposed works will involve the re-alignment and widening of a 50 metre stretch of the R314 and L5191. The subject scheme will comprise:

- Carriageway width of 7 metres
- 2 x 2m wide footpaths
- 10m junction radius with the R314
- Grass strips of varying widths along footpaths for planting
- Retain two mature trees at existing junction with R314
- Improve junction and footpath layout at old grain store/fore-shore ends of the scheme.

10.0.2 The statutory powers of the local authority to acquire land are contained in Section 213(2)(a) of the Planning and Development Act 2000, as amended. Under its provisions the planning authority *may acquire land compulsorily for the purpose of performing any of its functions including giving effect to or facilitating the implementation of its development plan....* It is accepted that there are four criteria that should be applied where it is proposed to use powers of compulsory purchase to acquire land or property.

- There is a community need, which is met by the acquisition of the property in question.
- The particular property is suitable to meet the community need.
- The works to be carried out accord with the Development Plan.
- Any alternative method of meeting the community need have been considered but are not available.

10.0.3 These criteria will be applied to the compulsory acquisition of land currently before the Board for confirmation prior to addressing the issues raised by objectors.

10.0.4 During the course of the hearing, issues were raised by the objectors in relation to screening for appropriate assessment and environmental impact assessment. These issues are considered to have been dealt with by the planning authority during the Part 8 planning process and are considered to be outside the scope of An Bord Pleanala in the assessment of this Compulsory Purchase Order. All parties were advised of this during the course of the hearing.

10.1.0 Community Need

10.1.1 Mr. Kieran Irwin, Executive Engineer with the local authority addressed the issue of community need during the course of the hearing. It was stated that Killala is an urban settlement located approximately 11 km north of Ballina, which serves a large hinterland with the R314 forming the main gateway to north Mayo and is part of the Wild Atlantic Way. The road under consideration is the main access to the harbour. The existing R314 through the centre of the town is substandard in width and alignment. The carriageway width varies from kerb to kerb from 4.7m to 8.5m. Market Street at its narrowest point is such that HGVs cannot pass each other, in particular when parking is taken into account. Large HGVs and other commercial vehicles cause severe traffic congestion during daily peak hours, particularly when two HGVs meet in the town centre. It was noted that the former Asahi plant, which is located off the R314 to the south of the town is being developed into a 43MV combined heat and power plant utilising biomass fuel, which will have its associated traffic. The existing situation is considered to be an unsatisfactory environment for pedestrians and other road users accessing the town. Photographs were submitted by the local authority in support of their evidence.

- 10.1.2 The existing junction with the R314 and L5191 is also substandard in width and alignment, with no provision for pedestrians. There is currently no junction radius which makes the turning sweep path of HGVs cross the centre line. In particular, HGVs coming from the L5191 onto the R314 must cross the centre line to take the corner which is both unsafe and unsatisfactory. The existing sharp bend at the grain store building is also difficult for HGVs. In addition, the existing access visibility triangle coming from the L5191 onto the R314 is substandard. The proposed re-alignment satisfies the junction visibility requirements.
- 10.1.3 The average carriageway width of the section of roadway under consideration is 6-6.5 metres which is too narrow to accommodate HGVs. The carriageway is also very close to the grain store, an historic building in the town. There was some discussion during the hearing as to whether this was a Protected Structure as was initially stated by the local authority. It now appears that it is not a Protected Structure but I would consider it to be an important historic building within the town. The proposed re-alignment of the roadway away from this structure will enhance this structure. It was also stated by the local authority that the proposed re-alignment will greatly improve the existing bend at the foreshore end of the grain store and will eliminate the current difficulty for HGVs and other traffic. There are currently no continuous footpaths on this section of roadway and pedestrians are, for the large part forced to walk on the roadway. The local authority stated that the completed section of the relief road has become a loop walk linking Killala, and in particular the south side of the town, to the harbour area. It is imperative to complete this section of the relief road to provide a safe environment for pedestrians and cyclists using the town without compromising vehicle movement, thereby improving the overall safety of all road users. It will also lead to the enhancement of tourism potential of the town.
- 10.1.4 The subject Inner Relief Road is also the access route to Killala harbour, which is the main employment area of the town. Since 2012, investment

of approximately €1 million has been made in upgrading the harbour and pier area and further investment is planned, including a landing pad for the coastguard helicopter. Accordingly, it is essential that the transport needs of the harbour are properly catered for to ensure its sustainability and that the future potential for further job creation can be realised. The proposed new junction of the R314 and L5191 will allow safe access and egress from the harbour for all vehicles and will therefore eliminate the current difficulty which HGVs encounter in accessing the harbour area.

- 10.1.5 I noted during my visit to the town that the subject route is quite heavily trafficked by HGVs, in particular those accessing the harbour area. I observed the difficulties encountered by them at this particular section of roadway. I acknowledge the points made in relation to traffic congestion within the town centre itself, which is an historic town with narrow winding streets. The existing layout is not ideal for large HGVs and I noted congestion at the time of my visit, in particular as two HGVs met. The environment created by this congestion is not satisfactory for other road users, in particular pedestrians and cyclists. This is particularly relevant considering the role that the town plays in tourism, being on the Wild Atlantic Way. The provision of additional footpaths along the L5191 will increase pedestrian safety in this general area. Considering the distance of this section of roadway from the seafront and the loop walk up to the town, I can only assume that there is quite significant pedestrian traffic and I therefore consider that adequate footpaths are a necessity at this location. From a commercial and economic viewpoint, easy access to the harbour area is paramount, in particular for large vehicles, considering the role it plays in the local community. The removal of these heavy goods vehicles away from the historic core of the town is in the interests of good planning and would improve the environment, making the area a more pleasant, attractive and safer for all. The existing roadway is clearly deficient and not fit for purpose. The improved standard of carriageway will benefit all road users. I consider that the overall community benefit of

the proposed scheme would be positive and that the community need has been established.

10.2.0 Land Suitable for Proposed Development

10.2.1 In deciding whether the particular land is suitable to meet the community need identified above, the context of the site should be considered. The need for the proposed works have been outlined above and I will not reiterate them except to say that the section of roadway is stated to be substandard in width and alignment; has almost no footpaths, has no junction radius between the R314 and L5191 and no junction radius at the corner of the grain store. Overall, I would consider that the need for the subject scheme is justified and established. It was stated at the hearing by Kevin Keegan, RIAI that the commercial traffic passing through the town cannot be sustained through the narrow street system and the obvious solution is the proposed road widening of the L5191. This will result in minimal effect to the architectural heritage. No buildings, historic or otherwise, will be removed to facilitate the development. I note that the lands in questions are currently under grass in agricultural use. While the scheme will result in the loss of part of this agricultural land, these lands are not subject to any special designations which would render them unsuitable for the proposed development. There are two mature trees in the corner of the lands, at the junction with the R314 and it is proposed to retain these trees. This is welcomed.

10.2.2 During the course of the hearing, the issue of the status of the subject lands and the objectors raised the issue of the extent of the protection of Killala Lodge, namely what is the extent of the curtilage. It was argued by Mr. O'Donnell for the objectors that there is no difference in character, ownership, or use between the gardens to the front and those to the rear. It was argued that the subject lands formed part of the curtilage of the Protected Structure Killala Lodge and the local authority were therefore proposing to demolish part of a Protected Structure, which in itself would

be a material contravention of the operative Development Plan. The local authority stated that they did not consider the wall to be relocated to be part of the Protected Structure but instead that the wall encloses a field attached to the curtilage- a field that extends beyond the curtilage of the house. Adjacent fields do not relate to the curtilage of the house.

10.2.3 Having examined the information before me, I would tend to concur with the opinion of the local authority in this instance. Killala Lodge is designated as a Protected Structure in the operative County Development Plan (RPS No.158) with the description being of a 'detached three bay, two storey over basement rendered house, c 1800'. No other lands or structures are referred to in this designation. I note the NIAH Buildings of Ireland Survey classifies Killala Lodge (Ref. No. 31203015) as being of architectural, artistic, historical and social interest. The description and appraisal refer the house only and with the exception of reference to the house being set in landscaped grounds. Neither the NIAH survey nor the RPS Inventory refer to this land in their site descriptions. I have visited the site and environs and am of the opinion that the subject lands in question do not form part of the attendant grounds of the Protected Structure. They read as a separate entity, separated from the immediately adjoining gardens of the Protected Structure by mature trees and a high wall. There is no visual link between the two and the subject plots are not unduly visible from Killala Lodge nor is Killala Lodge visible from the subject lands. While the lands in question may have been used as parkland associated with the lodge historically, as was argued by the objectors, they are firmly in use as meadow in current times. It is my opinion that whilst the development will encroach onto lands associated historically with Killala Lodge, there will be no direct impact on the curtilage of this property. I am of the opinion that the proposed scheme would not have impacts on individual property rights. To conclude this point, I consider that the Protected Structure status afforded to Killala

Lodge does not extend to include the subject plots or boundary wall to be relocated.

- 10.2.4 The issue of the relocation/replacement of the existing stone wall along the boundary with the L5191 and R314 was raised at the hearing. It was noted by the local authority, that while the gate piers associated with the wall appeared to be original features, the actual wall itself would be considered to have been adjusted at some point in the past. The subject stone wall is located approximately 120 metres from Killala Lodge and while its height varies, it is generally approximately 1 metre high along the L5191 roadside. I consider that the proposed works which involve removal and reinstatement of the existing stone wall, would not have any negative impacts on the character or setting of the Protected Structure. The relocated stone wall will be constructed of the re-used existing stone, augmented if necessary and to the same pattern as that existing.
- 10.2.5 Mr. O'Donnell, on behalf of the objectors, raised the issue of possible impacts of the proposed works on a bathing house, located to the east of the subject scheme. Having regard to the substantial distances involved, I consider that the proposed works would not negatively impinge on this bathing house, located to the east of the subject plots. I also consider that the movement of HGVs away from the historic core of the town will have a positive contribution to the protection of architectural and archaeological heritage of Killala.
- 10.2.6 The issue of archaeology was raised during the course of the hearing by the objectors. They stated that having regard to the extent of National Monuments within the immediate area, that essentially the entire town centre is located within a zone of archaeology. The query arose as to the extent of the National Monument designation and the objectors argued that essentially given the extent of National Monuments within the area, the subject wall must be considered as such. It was noted that to interfere/demolish a National Monument requires consent. The Moore

case of 2016 was referred to in this regard. I do not concur with the assertion that the subject wall is a National Monument, requiring consent for its demolition or interference. It is a low agricultural wall, commonplace throughout the area and indeed the country. It is not listed on the Record of Monuments and Places and it has no special designations pertaining to it. I note that an Archaeological Assessment was undertaken during the Part 8 process by the planning authority, which included for an Archaeological Impact Statement. I consider that its relocation as proposed does not interfere with any structure listed on the Record of Monuments and Places.

10.2.7 Having regard to all of the above, I am satisfied that in principle, the lands are suitable for the proposed scheme.

10.3.0 Alternatives Considered

10.3.1 The need for improvements to this section of roadway is established and the proposed works are obviously limited in terms of alternatives. To address the need, as part of the Part 8 process, two alternative designs along with the design detailed in the published Part 8 were examined. One of these designs was eliminated due to the provision of inadequate sightlines and the second alternative is the design which was subsequently approved by the Members of Mayo County Council under the Part 8 process. The scheme proposed appears to be the most reasonable solution in terms of providing a solution to the established need. The lands are considered suitable and necessary. The proposal will result in the loss of agricultural lands but will not involve demolition of any residential property. I also consider that the extent land being acquired during the CPO process is reasonable and justified. It will deliver a significantly improved section of carriageway designed to an acceptable standard and will remove the deficiencies associated with the existing road. I would be satisfied that there would appear to be no

realistic or practical alternatives for meeting the community need in this instance.

10.4.0 Compliance with Development Plan

- 10.4.1 The local authority reports submitted with the original CPO documentation are supported by confirmation from Iain Douglas, Senior Planner, in his submission to the hearing that the proposal is in compliance with Development Plan policies. The Mayo County Development Plan 2014-2020 was adopted on April 22nd 2014. Section 3 of the Plan relates to Infrastructure Strategy. In particular, Policy PY-02 is noted whereby it is a policy to provide, or facilitate the provision of high quality sustainable infrastructure to serve the economic and social needs of the County through the implementation of objectives. In addition, I note Policy RD-03 which seeks to continue with the strengthening and improvement of the local road network including links, by-passes and relief roads, with priority given to those serving the Linked-Hub and Key Towns and interconnection between such settlements, where it can be demonstrated that the development will not have significant adverse effects on the environment or Natura 2000 network. Killala is designated as a Key Town within the operative County Development Plan. I note that there are a number of policies and objectives which seek to protect the natural, architectural and archaeological heritage of the County.
- 10.4.2 The Killala Area Plan applies. The lands in question are zoned for High Density Residential development (up to 20 units/ha) under Phase 2 of the Plan. A number of objectives are contained therein relating to the inner relief road. Objective KTKA-10 states that it is an objective of the Council to upgrade and further develop the inner relief road as shown indicatively on Map KA2, subject to no significant adverse effects on the environment including the integrity of the Natura 2000 network. In addition, Objective KTKA-11 states that it is an objective of the Council to investigate the provision of a bypass around the town and to improve traffic management

through the provision of the inner relief road and the development of a town centre car park, subject to no significant adverse effects on the environment including the integrity of the Natura 2000 network. Other objectives exist relating to the protection of the historical architectural character of the town (KTKA-13) and the designation of an Architectural Conservation Area within the historic core (KTKA-14).

10.4.3 Having regard to all of the above, I am satisfied that that the proposed development is substantially in compliance with Development Plan policies and objectives.

11.0.0 Further Issues Raised by Objectors

11.0.1 The issue of project splitting by the local authority for the avoidance of environmental assessment was raised. The local authority in their submission stated that the land the subject of this CPO is part of a wider scheme of works that was subject to public consultation under Part 8 of the Planning and Development Regulations 2001. It was referred to as the Killala Inner Relief Road Phase 1. This wider scheme was put on public display from 21/05/2013 to 03/07/2013 and thirteen submissions were received. The scheme was amended to the current layout which changed the priority of the junction. The length of roadway which forms part of this CPO is stated as being 50 metres. A Section of the Inner Relief Road has been completed and this is identified in Appendix A of the 'Precis of Evidence' submitted by Kieran Irwin, Roads Design Office to the hearing. The local authority stated that this current Phase, Phase 1, is a stand-alone project. It has a total length of 280 metres, with the roadway the subject of this CPO having a length of 50 metres. Further phases, Phase 2 and 3 are only indicative at the present time. The works are being undertaken in phases for financial reasons. Having regard to the parameters outlined within the Roads Act for sub-threshold development, I am satisfied that based on the extent of the scheme proposed, this is a sub-threshold development for the purposes of Environmental Impact

Assessment. The detail and explanation put forward by the local authority is considered reasonable in this instance.

12.0.0 CONCLUSION AND RECOMMENDATION

12.0.1 I am satisfied that the process and procedures undertaken by the Local Authority have been fair and reasonable and that Mayo County Council have demonstrated the need for the lands and that all the lands being acquired are both necessary and suitable. I consider that the proposed acquisition of these lands would be in the public interest and the common good and would be consistent with the policies and objectives of the Mayo County Council Development Plan 2014-2020.

13.0.0 DECISION

I recommend that the Board CONFIRM the above Compulsory Purchase Order based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having considered the objections made to the compulsory purchase order and not withdrawn, the report of the person who conducted the oral hearing into the objections, the purpose for which the lands are to be acquired as set out in the compulsory purchase order and also having regard to the following;

- (a) The purpose of the compulsory acquisition for road widening and junction improvement
- (b) the community need, public interest served and overall benefits to be achieved from the proposed road development
- (c) the design and alignment of the proposed road, constituting a design response that is proportionate to the identified need,
- (d) The policies and objectives of the Mayo County Development Plan 2014-2020,
- (e) The submissions and observations made at the Oral Hearing held on 02nd day of June 2016 in Ballina;

It is considered that, the acquisition by the local authority of the lands in question, as set out in the order and on the deposited map, are necessary for the purposes stated and the objections cannot be sustained having regard to the said necessity.

Lorraine Dockery

Planning Inspector

26/07/2016