



An  
Bord  
Pleanála

## Inspector's Report ABP 303006-18

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<b>Development</b>	Permission for 32 houses and removal of floor slabs for 10 no. houses.
<b>Location</b>	Dunaras, Ballymahon, Co. Longford.
<b>Planning Authority</b>	Longford County Council.
<b>Planning Authority Reg. Ref.</b>	18200.
<b>Applicant(s)</b>	Beacon Assets Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party v Grant.
<b>Appellants</b>	1. Liam Madden. 2. Sean Clancy. 3. Matthew Daly. 4. Residents of the Dún Aras Estate
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> February 2019.
<b>Inspector</b>	Dáire McDevitt.

## **1.0 Site Location and Description**

- 1.1.** Ballymahon is a Local Service Town in Co. Longford. The site, with a stated area of c. 8.030 acres, is located to the east of the Main Street and southeast of the N55. It is an irregular shaped parcel of land accessed via Dunaras housing estate. Dunaras was classed as an 'unfinished estate', consisting of 24 houses (permission granted for 96). It mainly consists of 2 storey semi-detached houses which front onto the main access road, with the exception of 2 no. dormer houses which are accessed of a spur
- 1.2.** The parcel of land which is the subject of this application is fenced off from Dunaras estate and accessed via a gate. Site clearance and some ground works were carried out in the past with floor slabs associated with 10 houses located in the western section of the site.
- 1.3.** The site is bounded to the north by fields, the west by the Longford/Westmeath Mart complex. To the southwest by a field over which the applicant has right of way to the boundary with Marian Villas/Marian Terrace. Dunaras estate forms the eastern and southeastern boundary of the main body of the site. Dunaras represents the furthest extent of suburban type development to the east of the town. The River Inny is located to the south of Ballymulvey Road.
- 1.4.** Dunaras is accessed off Ballymulvey Road (within the 50kph speed limit) to the south, a narrow local county road with stonewall along much of its alignment. The junction of the Ballymulvey Road and Main Street, Ballymahon is approximately 350 metres to the west. Forward visibility is restricted due to the alignment of the road. There is public lighting along this section of the road, however, there are no footpaths on either side of the Ballymulvey Road.

## **2.0 Proposed Development**

- 2.1.** Permission is sought for **32** dwellings and the removal of 10 no. floor slabs. Also included as part of the application is the provision of a pedestrian access via a right of way to and from Ballymahon town centre along the western boundary of the site via Marian Villas/Terrace residential estates.

Boundary treatment, landscaping, children's playground and a parkland are also proposed.

## **2.2. Unit Mix.**

**3 No.** House Type **A** (3 bed 2 storey detached).

**6 No.** House Type **B** (3 bed 2 storey detached).

**7 No.** House Type **C** (3 bed 1.5 storey detached).

**4 No.** House Type **D** (2&3 bed 2 storey terraced).

**4 No.** House Type **E** (2&3 bed 2 storey terraced).

**3 No.** House Type **F** (4 bed 2 storey detached)

**2 No.** House Type **G** (2 bed bungalow detached)

**3 No.** House Type **H** (3 bed bungalow detached)

## **2.3 Phasing**

**Phase 1:** Construction of public footpath along the Ballymulvey Road.

**Phase 2:** Construction of children's playground and exercise area.

**Phase 3:** Removal of existing 10 no. floor slabs.

**Phase 4:** Construction of parkland area along the northwestern boundary of the site, inclusive of the provision of established trees, together with a 2.5m high capped and plastered boundary wall which separates the site from The Longford/Westmeath Farmer's Mart.

**Phase 5:** Construction of dwelling houses no. 29-34 inclusive.

**Phase 6:** Construction of dwelling houses no. 52-60 inclusive.

**Phase 7:** Construction of dwelling houses no. 35-42 inclusive.

**Phase 8:** Construction of dwelling houses no. 43-51 inclusive.

## 2.4 Documentation.

Documentation submitted with the application includes:

- Supplementary booklet of information.
- Appropriate Assessment Screening Report.
- Interim stage Road Safety Audit.
- Traffic & Transport Assessment Addendum.

## 2.5 Unsolicited Information (date stamped 1<sup>st</sup> November by the Planning Authority).

This included a statement by the applicant setting out:

- The application is almost identical in nature to that permitted by Longford County Council under previous planning reference PL17/195 with the exception of design changes, all of which were prescribed in the conditions of the Local Planning Authority's decision. Most notable of which is the omission of 3 no. dwelling houses resulting in a reduction from 35 to 32 in the number of dwellings being applied for.
- Under the previous application that was appealed to An Bord Pleanala (ABP 300578-18), the Planning Inspector concluded that the principle of a residential scheme at this location was acceptable and the only outstanding issue was the provision of a footpath linking the site to the junction with the Main Street (condition no. 2 of ABP Ref. No. PL.14.212595).
- The site was in different ownership at the time, therefore compliance with this planning condition was not the responsibility for the current owners. Notwithstanding the applicants have submitted a revised development, reduce the number of units to 32 and has stated that they

are willing to accept the following conditions being attached to any grant of planning permission:

- A special condition whereby the applicant will pay all construction costs associated with the construction of a new footpath, including public lighting, that will link the site to the junction with the main street.
- A special condition that no development works will commence on the site the subject to which this application relates until such time as a footpath linking the site to the junction of Main Street is completed, including public lights.

The lands are serviced zoned lands ready to be developed for much needed housing in the area.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Longford County Council issued notification to grant planning permission for the proposed development subject to 22 conditions on the 9<sup>th</sup> November 2018.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports (8<sup>th</sup> November 2018)**

Issues of note related to the provision of vehicular and pedestrian connectivity. Residential amenity, proximity to Westmeath/Longford Mart, Design & layout and flooding associated with surface water disposal.

The current application is near identical to that lodged under 17/195 when the Planning Authority had no objection to the granting of permission.

The Area Planner notes that condition no. 2 of PL.14.212595 refers to the provision of a pedestrian link but does not specify that this has to be along the Ballymulvey Road. The Area Planner concluded that the provision of a

pedestrian link to the Main Street via Marian Terrace/Villas and the applicants right of way would be acceptable and in compliance with condition 2 of the parent permission.

The area planner was satisfied that the concerns raised by the Inspector relating to the provision of a pedestrian link under ABP 300578-18 were addressed in the current application.

### **3.2.2. Other Technical Reports**

**Director of Services, Housing, Environment and Emergency Services Department** (7<sup>th</sup> November 2018). It has been agreed to implement a footpath at Dunaras, Ballymahon, Co. Longford.

**Road Design Section** (1<sup>st</sup> October 2018). No objection subject to conditions. Noted that a cycleway is in the process of being designed and pedestrians could be accommodated within this cycleway. This will require Part 8 and CPOs. A special contribution of €30,000 towards the cycleway.

### **3.3 Prescribed Bodies**

**Irish Water** (16<sup>th</sup> October 2018). Further Information recommended relating to design elements associated with the wastewater and water supply infrastructure. In particular that the foul sewer network to be designed in accordance with Irish Water standards and the elimination of loops on the water main.

### **3.4 Submissions**

The Planning Authority have stated that 8 submissions were received. These included submissions by the appellant parties and are broadly in line with the grounds of appeal. Concerns raised included:

- Traffic, accessibility and road safety.
- Proximity to the Longford/Westmeath Mart.
- Non-compliance with previous permission.
- Right of way through Marian Terrace and associated privacy and security concerns.
- Wastewater, lack of capacity and inadequate infrastructure in place.

- Surface water disposal is inadequate resulting in flooding of adjoining lands.

## 4.0 Planning History

**Planning Authority Reference No. 17/195 (An Bord Pleanála Reference No. ABP 300578-18)** refers to a 2018 decision by An Bord Pleanála to permission for a development of 35 houses, very similar to the current application before the Board for the following reason:

*It is considered that the subject site is served by a road network which is substandard in light of the non-provision of public footpaths and cycleways along the Ballymulvey Road. In the absence of such convenient pedestrian and cycle access to Main Street, Ballymahon, it is considered that the proposed development would be premature pending the provision of a footpath along the Ballymulvey Road between the subject site and Main Street, Ballymahon. The proposed development would, therefore, endanger public safety by reason of a traffic hazard.*

**Planning Authority Reference No. 04/1297 (An Bord Pleanála Reference No. PL14.212595)** refers to a 2005 An Bord Pleanála decision to grant planning permission for a housing estate comprising of 96 dwelling houses.

Condition No. 2:

*A footpath linking the site to the junction with the Main Street shall be completed including public lighting prior to the occupation of any dwelling unit.*

**Reason:** *In the interest of pedestrian safety.*

**Planning Authority Reference 06/893** permission was granted for four additional dwelling houses together with the construction of a purpose built crèche, playschool and Montessori school.

**Planning Authority Reference 10/13** an extension of duration of permission was granted for PL14.212595 until 13<sup>th</sup> October, 2013.

## 5.0 Policy and Context

### 5.1. Longford County Development Plan 2015-2021

Ballymahon Zoning Map. Site is located within an area identified as 'Site Resolution Objective' with a zoning objective *'to provide a mix of uses for the sustainable regeneration of the area'*

Section 2.1.5 refers to '**Site Resolution Objectives**', these are areas that have been identified in order to complete these areas to an appropriate and acceptable standard of development'.

A number of unfinished housing estates are designated **Site Resolution Objectives**. The development plan states that the purpose of the site resolution under this zoning objective is to provide an opportunity to complete these areas to an appropriate and acceptable standard of development. This zoning identifies the challenges that these areas bring and aims to facilitate their development to provide improved residential amenity and enhance their cultural heritage, social and economic sustainability.

The zoning is flexible in nature and allows for the provision of community needs including education, childcare, healthcare, specialised housing such as OPDs, opportunities for local business and enterprise, active and passive recreational amenity, community facilities and local shops where such facilities would be commercial viable. Proposals for residential development in these areas will be assessed in accordance with the settlement's position within the settlement hierarchy and monitored in line with the population targets as set out under the core strategy able and in accordance with **Policy IMPCS3**.

The zoning also encourages potential applicants to actively engage with the Planning Authority in an effort to produce agreed development schemes for identified sites which will improve the existing amenities of areas and ensure a level of protection to the character of the area in which they are located.

Under the settlement hierarchy Ballymahon is designated as **local service towns (Tier 4)**. Under these Tier 4 settlements emphasis will be placed on the



maintenance and consolidation of growth in these towns in line with their position in the settlement hierarchy in a manner that enhances the strong and visual character and built fabric, natural heritage assets and amenities including the development of Lough Ree in terms of tourist potential.

**Section 3.2.1.1** refers to Designated Settlements. General Policy and Objectives.

**Section 3.2.1.2** refers to Designated Settlements. Requirements and Standards from development.

## **5.2 Guidelines**

**Quality Housing for Sustainable Communities – Best Practice Guidelines (2007).**

**Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009).**

**Urban Design Manual: A Best Practice Guide – A companion Document to the Guidelines for Sustainable Residential Development in Urban Areas (2009).**

**Design Manual for Urban Roads and Streets (2013).**

## **5.3 Natural Heritage Designations**

Lough Ree Special Area of Conservation (Site Code 000440) and the Lough Ree Special Protection Area (Site Code 004060) are c. 5km to the west

## **5.4 EIA Screening**

5.4.1 Having regard to the nature and scale of the proposed development comprising the demolition of 10 floor slabs and the construction of 32 dwellings on serviced zoned lands there is no real likelihood of significant effects on the environment arising from the proposed development. The need

for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

Four Third Party appeals have been lodged by the following:

- (1) Liam Madden, Vitruvius Hibernicus, Convent Road, Longford.
- (2) Sean Clancy, 5 Dunaras, Ballymahon, Co. Longford.
- (3) Dunaras Resident's Association c/o Lucy Clancy, 5 Dunaras, Ballymahon, Co. Longford (contains the list of signatories from the original submission to the Planning Authority).
- (4) Matthew Daly, Ballymulvey, Ballymahon, Co. Longford.

Some of the Appeals contain the original submissions to the planning authority. There is significant overlap and reiteration of issues raised across the appeals. Therefore, I propose to summarise the grounds of appeal by issue rather than individually to avoid duplication.

### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows:

#### **6.1.1 Planning History**

- History of non-compliance with Planning permission.
- The current agent was also the agent for the previous developer.
- Residents living in an unfinished estate, the Council will not take it in charge as there are numerous outstanding issues relating to compliance with planning conditions attached to the parent permission for the estate (2005 application for 96 houses).
- Permission is premature pending the provision of a footpath that links the estate to the Main Street. The path should be in place before another

application on this site is lodged. A condition requiring its construction is not sufficient. The last time a condition was attached requiring that a path be provided as part of the scheme, it was not complied with.

- The only difference between the current application and that refused by An Bord Pleanála in 2018 is the omission of 3 houses and very minor amendments to the site layout.

### **6.1.2 Traffic**

- The proposed development would result in a traffic hazard along a substandard road due to the additional traffic 32 houses would generate.
- Sightlines are restricted at the junction of the Ballymulvey Road and the N55. Additional traffic would exacerbate the existing dangerous situation.
- The Ballymulvey road is a busy road, used regularly by vehicular traffic, pedestrians and cyclist as it links to local recreational amenities.
- Visibility is also restricted at the access to Dunaras estate off the Ballymulvey Road.
- Concerns that this road will become even busier when Central Parcs opens, notwithstanding the traffic management signage and measures in place.
- The residents of Dunaras, Mostrim Road and Marian Terrace object to the provision of any walkway through Marian Terrace. (Condition No. 2 of 18200 requires this)
- Condition no. 6(f) of 18200 requires a pedestrian footpath and reference a cycle path that will be provided under Part 8 that will also cater for pedestrians. The drawings on display, however, this does not follow the route of the Ballymulvey Road.
- The appellants refer to a letter from the Director of Services committing to the provision of a footpath at Dunaras, however the letter does not provide specifics. Given the narrowness of the Ballymulvey Road, the provision of any footpath would require CPOs. Issues relating to Right of Way also arise.

- The proposal does not comply with DMURS.
- The Traffic Safety Audit only deals with capacity, it does not consider visibility at the junction with the N55.

### **6.1.3 Public Health.**

- Proximity of the proposed houses to the Longford/Westmeath Mart raises public health concerns. The proximity of the houses could also cause issues for the running of the Mart. It would limit the potential for the Mart to expand in the future. The Planners assessment does not refer to the Mart.
- One house would be c. 22m from the Mart's slurry treatment facility. There are serious concerns that noise, odours and pests will have a negative impact on the amenities of the proposed houses as they would be too close to such a facility.

### **6.1.4 Drainage**

- The surface sewer serving Dunaras estate runs through lands owned by the Daly family and is causing said lands to flood as the sewer has not been constructed in a satisfactory fashion and the outfall drains have no the capacity to satisfactory discharge the additional surface water flow from the new sewer line running through the Daly lands.
- Photographs of flooded areas (field adjacent to manhole no. S9) included with the appeal.
- After periods of heavy rain, it is frequent that a strong smell of slurry and human faeces can be experienced in the estate. Especially along the higher contour from houses no. 5 to 17.
- Sewerage capacity is an issue for the village of Ballymahon as a whole. Until the existing sewerage treatment plant is upgraded no further development should be permitted unless they provide their own sewerage treatment measures.

### **6.1.5 Other**

- There is a need for housing in the area, however the local infrastructure does not have the capacity to provide additional housing.
- No. 5 (appellants no. 2) was purchased in 2014 along with the adjoining field, where they developed a small farming enterprise. The proposed layout would result in No. 5 being overlooked, loss of a sense of security and the rural aspect the house has previously enjoyed. Resulting in a depreciation of the value of their property. A new boundary would reduce light into No. 5 and its curtilage.
- The Residents Association has stated that they have funded all landscaping and grounds care of the existing estate at their own expense, only to find out that that the developer is the legal owner of these green and access areas for c. 4 years and has not contributed towards their upkeep and care.

## **6.2. Applicant Response to Third Party Appeals**

This is mainly in the form of a rebuttal. Points of note include:

- There is a significant shortage of houses in Ballymanhon and surrounding areas.
- The only barrier to the development, reason for refusal by An Bord Pleanala, related to the non-provision of a link from the estate to the Main Street. The current application has addressed this.
- Condition No. 2 of PL.14.212595 required the provision of a footpath linking the site to the junction with the Main Street, it did not specify that this had to be along Ballymulvey Road.
- The third party appeal cite issues that were the subject of and assessed under ABP 300578-18. The appeals remain focused on the principle of development at this location on what is a partially developed brownfield site which previously had planning permission for a higher density development of 96 residential units.
- No new or supplementary issues have been raised in the current appeal. The main issues were assessed by the Inspector under ABP 300578-18

and a summary of the main conclusion is included with the response to the appeal.

- There are three pedestrian and/or cycle connections to be delivered to serve the site and provide direct linkages from it to the Main Street:
  - Part VIII No. 51. River Inny Pedestrian and Cycle path. It would provide a link in a general west-east direction alongside the northern bank of the river. Connecting Ballymulvey to Newcastle Woods, Clonkeen. The applicant has put in a submission that this path could be extended northwards to Ballymulvey Road, over lands owned by the Council.
  - Part VIII Ballymulvey Road Cycle Track. The Council has also confirmed that it is their intention to develop a formal cycle route along and immediately adjacent to Ballymulvey Road. Drawings included with the response to the appeal. It is also intended that a crossing point would be included in the path design to/from Dunaras. A contribution of €30,000 included by condition would contribute directly to this.
  - Marian Villas/Marian Terrace. The applicant has a right of way to link to and provide a pedestrian access to provide such a connection.
- A letter on file from a Director of Services, Housing, Infrastructure, the Environment and Emergency Services, Longford County Council confirming that the Council is committed to the delivery of a footpath connection to/from Dunaras. Detailed proposals are being advanced through the Part 8 process.
- The applicant has stated that they are willing to pay all construction costs associated with the construction of a new footpath including public lighting that will link Dunaras to the Main Street via Ballymulvey Road.
- Willing to accept a condition that no development works commence until such a time that the footpath and public lighting linking the site to

the Main Street is completed. This would ensure that no development can take place until this infrastructure is delivered thereby negating any potential for development prematurity.

- The site is on serviced zoned lands within an urban settlement.
- The do nothing scenario results in the residents of Dunaras not benefiting from a pedestrian link to the Main Street.
- In relation to the perceived inadequacies of infrastructure services, including potential flooding of adjoining lands. The services were designed to cater for a scheme of 96 houses. Notwithstanding the applicant has confirmed their willingness to investigate all related matters. This matter can be dealt with by condition.

### **6.3 Liam Madden's Response to the other 3 Third Party Appeals**

Points of note include:

- Land Registry details associated with the various parcels of land and dates of registration (2014 and 2015).
- Both appellants purchased lands from the Banks and therefore would have been aware of the situation, such as surface water and condition of the estate, including compliance with planning conditions.
- Outstanding issues relating to surface water could be addressed by appropriate conditions.
- Reference to the Planning Inspectors conclusions under ABP 300578-18.
- The green area of the estate was included in the parcel of land purchased in 2014 by one of the appellant parties.

### **6.4 Planning Authority Response**

None.

### **6.5 Observations**

None

## 7.0 Assessment

- 7.0.1 In 2005 An Bord Pleanála granted planning permission under **PL.14.212595** for 96 houses on a slightly larger site which included the subject site. 24 of these houses were built, mainly along the eastern and north-eastern boundary of the subject site. The rest of the houses remained unbuilt and some partially constructed houses were subsequently removed. Of particular note is condition no. 2 attached to said permission which required the provision of a footpath linking the site to the junction with the Main Street to be completed including public lighting prior to the occupation of any dwelling unit.
- 7.0.2 Permission was refused in 2018 under **ABP 300578-18** for 35 houses. The reason for refusal under ABP 300578 was on the grounds that the subject site is served by a road network which is substandard in light of the non-provision of public footpaths and cycleways along the Ballymulvey Road. And in the absence of such convenient pedestrian and cycle access to Main Street, Ballymahon it was considered that the development would be premature pending the provision of a footpath along the Ballymulvey Road between the subject site and Main Street, Ballymahon as it would endanger public safety by reason of a traffic hazard.
- 7.0.3 The current application before the Board is almost identical in nature to that refused permission under ABP Ref. No. 300578-18, with the exception of design changes and the omission of 3 no. dwelling houses resulting in a development of 32 dwelling houses. The Planning Authority attached conditions relating to the provision of a footpath to the recommendation to grant permission subject to 22 conditions.
- 7.0.4 I note that a wide range of issues have been submitted by the appellants relating to traffic and road safety concerns, the impact on residential amenity, the proximity of the site to the Longford/Westmeath Mart, potential flooding issues, lack of physical infrastructure to cater for the development and impact on residential amenities. These issues would have been the subject of consideration by the Board as recent as last year in the previous application



for a residential development on this site under Appeal Ref. ABP 300578-18. Having regard to this and to the nature and extent of development now proposed, I consider that it would be appropriate in this instance to focus on the issues that were considered by the Board to be of concern, namely traffic safety and connectivity. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Traffic Safety and Connectivity.
- Appropriate Assessment

## **7.1 Traffic Safety and Connectivity**

7.1.1 The Board determined previously that the development of 35 houses on this site would endanger public safety due to the absence of a convenient pedestrian and cycle access to Main Street, as such a residential development at this location would be premature pending the provision of a footpath along the Ballymulvey Road between the subject site and Main Street.

7.1.2 The current application before the Board is broadly identical that that refused under ABP 300578-18 with the exception of minor design changes and a reduction of 3 houses proposed within the scheme. The current proposal for 32 houses accesses the Ballymulvey Road at the same location, with the same entrance details, and with the same road network and absence of footpath and cyclepath provision as highlighted in 2018.

7.1.3 It is evident from the Board's previous decision that there is a concern about the scale of residential development at this location given the absence of connectivity to the Main Street in Ballymahon. Under the current application the Board is required to determine if 32 houses, instead of 35, would or would result in the same disconnect from the Main Street, with pedestrians having to walk along the Ballymulvey road due to the absence of a convenient pedestrian and cycle access to the Main Street. The issue here remains that the proposed development would likely generate a very significant increase in

traffic and pedestrian volumes over that which exists at a location where the Board has very recently determined that there are serious constraints due the lack of linkages to the Main Street. This lack of footpaths and cyclepaths along the Ballymulvey Road results in a disconnect between the proposed scheme and the Main Street. Having regard to the Board's previous decision and the prematurity of the development pending the successful completion of a Part 8 process, funding and construction, I do not consider that the proposed development has altered in a significant and material way such that it has addressed the previous reason for refusal and would not create a traffic hazard at this location. I acknowledge that the applicant has confirmed that they are willing to accept a condition relating to construction costs and the provision of a footpath along the Ballymulvey Road. I would, however, concur with the previous Inspector that such a condition should not be attached taking into account the planning history of the site, notwithstanding ownership at the time.

7.1.4 As highlighted under An Bord Pleanála Reference No. ABP 300578-18 the existing development contravenes Condition No. 2 of the parent permission. Condition No. 2 of PL14.212595 which required that a footpath be provided linking the site to the junction of the Main Street including public lighting prior to the occupation of any dwelling unit. In my view to grant additional residential development at this location in the absence of a footpath would not be appropriate in this instance given the planning history associated with the site. The provision of a footpath could be required by condition if the Board considers granting permission. However, as stated previously, I would concur with the previous Inspector's conclusion that it may be more appropriate to refuse planning permission on the grounds of prematurity. The applicant argued that the site is in different ownership that this developer is not accountable for past failures to comply with planning permissions. While I acknowledge the applicant's position, this was the position in 2018 when the previous appeal was considered by the Board.

7.1.5 The applicant in response to the grounds of appeal reiterated information that was submitted in their response to the appeal under An Bord Pleanála

Reference ABP 300578-18 in that Longford County Council are advancing plans under Part 8 of the Planning and Development regulations 2001 (as amended) to provide cycle and pedestrian access along the Ballymulvey Road. I note that Part 8 No. 52 which refers to a c. 2.32km path linking Ballymulvey to Newcastle Woods was due before the Council in January 2019, there are no details available on the Council's website relating to its current status and consideration of the applicants submission relating to a connection to Ballymulvey Road.

7.1.6 Furthermore, I note the applicant has submitted a Longford County Council drawing for the Ballymulvey Road Cycle track (dated January 2019). There no Part 8 on the Council's website for this scheme and there is no reference to footpaths on the Council's 'General Arrangement' Drawing submitted by the applicant with their response to the appeal. These proposals may require CPO measures. Based on the information available on file there are no specific time frames for the delivery of this. If the Board is of a mind to grant permission a condition could be attached requiring that no development commence or that no new houses be occupied in the absence of the provision of a footpath, However, I do not consider that this would be appropriate and I would recommend that the Board refuse planning permission for the proposed development on grounds of prematurity.

7.1.7 I have examined the other two links highlighted by the applicant, access to the main street via a right of way that links to Marian Villas/Marian Terrace or the use of a path that is yet to be constructed along the river bank, subject to a spur running northwards towards the Ballymulvely Road. I acknowledge that said proposals would enhance connectivity and permeability in the area but these could be provided in addition to a footpath along the Ballymulvey Road, rather than potential alternatives.

## **7.2 Appropriate Assessment**

7.2.1 The site is located on serviced lands c. 5km west of the nearest identified European Sites, Lough Ree SAC (site code 000440) and Lough Ree SPA(004064). There is no hydrological link between the application site and Lough Ree SAC.

- 7.2.2 A Stage 1 Appropriate Assessment Screening Report, dated July 2017, was submitted with the application. This concluded that the nature and scale of the proposed development, which is not hydrologically linked to the European sites in question, would not have a significant effect on the relevant European Sites. It also assessed the potential in combination impacts and indirect impacts and concluded that no such impacts are likely to arise.
- 7.2.3 On the basis of the information contained on file which I consider adequate in order to issue a screening determination that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Lough Ree SAC or Lough Ree SPA Natura 2000 site or any other European sites in view of the conservation objectives and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

## **8.0 Conclusions and Recommendation**

Having regard to the documentation on file and the planning history associated with the site, in particular the most recent decision by An Bord Pleanála under ABP 300578-18, I do not consider that new information has come forward that overcomes the previous reason for refusal for a residential scheme at this location. Taking into account the absence of a constructed footpath along the Ballymulvey Road in order to accommodate a safe and secure pedestrian link between the subject site and the Main Street via Ballymulvey Road. Furthermore, as highlighted under ABP 300578-18, it was a requirement of the parent permission that such a pedestrian footpath be provided prior to the occupation of any houses granted under Reg. Ref. PL14.212595. Therefore, I would consider it inappropriate that the Board would grant planning permission in the absence of the construction of a footpath between the subject site and the main road along Ballymulvey Road. I therefore consider the proposed development to be premature pending the provision of such a footpath.

## **9.0 Decision**

Refuse planning permission based on the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

It is considered that the subject site is served by a road network which is substandard in light of the non-provision of public footpaths and cycleways along the Ballymulvey Road. In the absence of such convenient pedestrian and cycle access to Main Street, Ballymahon, it is considered that the proposed development would be premature pending the provision of a footpath along the Ballymulvey Road between the subject site and Main Street, Ballymahon. The proposed development would, therefore, endanger public safety by reason of a traffic hazard.

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Dáire McDevitt  
Planning Inspector

29<sup>th</sup> March, 2019