



An
Bord
Pleanála

Inspector's Report

ABP-305928-19

Development	41 two-storey houses
Location	Corr An Tobair Estate, Nafarty, Ballybay Road, Carrickmacross, Co Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	19159
Applicant(s)	Greenbriar Developments Ltd.,
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Martin & Samantha McGlynn
Observer(s)	None
Date of Site Inspection	20 th of February 2020
Inspector	Angela Brereton

1.0 Site Description

- 1.1. The application site is located c.1.25kms to the north of Carrickmacross town centre in the townland of Nafferty. It is currently a greenfield site within the northern edge of the town development boundaries. The private housing estate Corr an Tobair is to the north and there is further housing and Carrickmacross Emmets GFC to the south. Further housing is being constructed to the north east of the site.
- 1.2. The site is upland from the road and undulating and having regard to the contours there is a differential of more than 15m between ground levels along the road to the south and the north western boundary of the site. There are trees and shrubs along the northern, western and eastern site boundaries. Currently there are open views along the road frontage to the town to the south.
- 1.3. The area is accessed via the Ballybay Road (R180) roundabout and the N2 interchange is to the north east. There is a wide link road to the south east of the site. It is proposed to access via this road which currently is a cul-de-sac type road serving a house and the Carrickmacross reservoir is to the north west. There are no footpaths or cycle lanes along this road which is at the periphery of the town.

2.0 Proposed Development

- 2.1. This is for the construction of 41no. two-storey houses in blocks of 2,3 and 4 bed units including:

- 4no. 2- bedroom, 2 storey mid-terrace houses;
- 30no. 3-bedroom House Type A, 2 storey, semi-detached and terraced houses;
- 7no. 3-bedroom House Type B, 2 storey semi-detached and end of terrace dwellings.

The development also consists of all associated road, site services, boundaries, landscaping and associated works.

- 2.2. Documents submitted with the application include the following:
 - Background and Design Rationale by Collins Maher Martin.

- A Civil Engineering Works and Planning Statement by CBA Consulting Engineers.
- Drawings including Site Layout Plan, Floors plans and Elevations.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 22nd of October 2019, Monaghan County Council granted permission for the proposed development subject to 25no. conditions. These conditions generally concern design and layout, infrastructure (roads and drainage), construction management and development contributions.

3.2. **Planning Authority Reports**

Planner's Report

This had regard to the locational context of the site, planning history and policy and to the inter-departmental reports and the submissions made. They noted the proposed development complies with the residential zoning. However, they recommended that F.I be requested regarding appropriate design, landscaping, stormwater management, traffic/road safety, environmental protection and the observations made. They also noted that a pre-application discussion took place.

Further Information request – in summary included the following:

- The Design Statement should have regard to the 12 assessment criteria set out in the Departmental publication *Urban Design Manual – A Best Practice Guide (2009)*.
- The inclusion of a comprehensive (hard and soft) landscaping plan commensurate to the scale of development on site.
- To review the amenity value of the public open space and to submit details of boundary treatment.
- Detailed information with regards to traffic safety and access standards, including a Traffic and Transport Assessment and a Road Safety Audit.

- Details with regards to storm water management to include regard to attenuation.
- Details with regards to environment protection to include a hydrogeological report, the location of an oil interceptor etc.
- To review the submissions/observations on file and respond to issues raised.

Further Information response

Collins Maher Martin have submitted a response on behalf of the Applicants which includes the following:

- They have provided a 12 point Design Appraisal which has been prepared in accordance with the *Urban Design Manual – A Best Practice Guide 2009* which takes account of policies and guidelines.
- A Landscaping Plan and Specification has been submitted.
- Design proposal for public open space and boundaries are shown on their revised Site Layout Plan and Site Section.
- The lower level of retaining structure will be a natural stone gabion wall.
- A Traffic and Transport Assessment and a Stage 1&2 Road Safety Audit has been submitted.
- A Hydrological report, details of oil interceptors proposed and a construction management plan have been submitted.
- They note the observations/submissions made and the issues raised.

3.3. Other Technical Reports

Roads Section

They recommended that F.I be submitted to include a Stage 1/2 Road Safety Audit and a revised roads layout showing the sight distances required in accordance with the applicable standards. Also, that further details be submitted regarding storm water drainage. In response to the F.I submitted they provide that they have no objections subject to conditions.

The Municipal District Engineer (Carrickmacross – Castleblaney Municipal District)

They made a number of recommendations relative to the proposed access and sightlines, internal roads design and layout. This includes regard to traffic calming, crossings, warning signage and footpaths. Also, that the applicant will be required to put in place a Traffic Management Plan (TMP) for the duration of construction works. They recommend a number of conditions, including relative to Drainage.

Water Services Section

They have no objections subject to conditions. They note that the agreement of Irish Water needs to be obtained prior to any works commencing in relation to connection to the public facilities.

Housing Section

They have regard to Part V and note that some discussions have taken place with the applicants. They recommend a relevant condition.

Environment Report

They note the proposal is located in an area of moderate groundwater vulnerability, overlying a regionally important karstified aquifer and within the Proules Catchment Area. They requested F.I. including a Hydrological Report.

Chief Fire Officer

They do not object and recommend a number of conditions relative to fire safety.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. Third Party Observations

Submissions have been made by local residents relative to their concerns about the proposed development. These have been noted in the Planner's Report and are considered further in the context of the grounds of appeal and in the Assessment below.

4.0 Planning History

The Planner's Report provides that the adjoining housing development is covered by several previous planning permission, principally planning file numbers, 01/1047, 04/1441, 12/60 and 18/511.

Reg.Ref. 19/160 refers to the adjacent (northeast) application for 4 semi-detached houses where permission was granted subject to conditions by the Council for the construction of 4no. 4 bedroom, two storey semi-detached houses, connections to existing services and associated site works.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018).
- Border Regional Authority Planning Guidelines 2010-2022
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2019).
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive - Appropriate Assessment

5.2. Monaghan County Development Plan 2019-2025

Carrickmacross

The focus of economic activity for the County exists within the five towns of Monaghan, Carrickmacross, Castleblayney, Clones and Ballybay.

Carrickmacross and Castleblayney are identified as secondary economic centres. Table 2.1 provides the Population Targets for 2025 and includes these as Tier 2

Strategic Towns which are experiencing population growth. Likewise, Table 2.2 which and Section 2.3 provides the Settlement Hierarchy for the County and Section 2.3.4 to Carrickmacross. Table 2.5 provides the Core Strategy Table 2 – Housing Land Requirement Map (HLR). Core Strategy Policies CSP 1 – CSP 9 relate.

Specific Strategic Objectives for Settlement Plan Towns include SHO 2 relative to Carrickmacross.

Section 9.12 notes that improvements to the road network including the by-passes for Castleblaney and Carrickmacross have strengthened the County's position and its future development potential.

Chapter 11 provides the Carrickmacross Settlement Plan 2019-2025. Regard is had to the locational context, strategy and vision. Strategic Objective CMSO 1 refers.

In the settlement strategy Carrickmacross is identified as a Tier 2 Strategic Town that will be promoted in driving growth and economic development in south County Monaghan. Table 11.1 provides the Town Population Projections.

It is an objective of the Monaghan CDP to carry out a Transportation Study for Carrickmacross to identify the priorities for future road programmes in the environs of the town.

Land-use Zoning

The site is within and is proximate to the northern boundaries of Carrickmacross Town (Map CKDP1 refers). It is within the 'Proposed Residential A' zoning where the objective (Table 9.1 refers) seeks: *To provide for new residential development and for new and improved ancillary services.* Residential is the principal permitted land use within this zone and it is an objective that: *All such proposals are in keeping with the established built character of the area and do not adversely impact upon the amenity of existing residential properties.*

The area to the north is zoned 'Existing Residential' and there is an Indicative New Road Proposal to the south of the site.

Social Housing Section 3.1.4 refers to Social Housing and includes regard to the application of Part V of the Act and the Government's strategy 'Rebuilding Ireland, an Action Plan for Housing and Homelessness. Policies HSP 1 – HSP 3 refer.

Figure 3.1 includes Carrickmacross in the Location Choice of County Monaghan Social Housing List.

HSP 1 - To provide social housing through partnership working with voluntary and co-operative housing bodies as well as through agreements with private developers and the local authority's own house building programme.

HSP 2 - To require that 10% of all private residential developments on land zoned for residential or mixed uses (where residential is included) be provided for social housing under the provisions of Part V of the Planning & Development Act 2000 (as amended).

HSP 3 - To counteract undue social segregation by ensuring an appropriate balance between social, specialist and private (both rented, and owner occupied) housing is provided within communities. Decisions on leasing take up, RAS and on Part V on specific sites shall be based on existing housing profile and needs of the area.

Section 3.2.1 refers to Urban Housing and the Core Strategy requirement. This seeks to support quality design and layout in accordance with current standards and guidelines and includes: *However, it is imperative that any housing proposal is of a suitable scale having regard to the core strategy and the character of the settlement.*

Section 3.2.2 seeks to encourage more sustainable development through the avoidance of excessive suburbanisation and the promotion of higher densities.

Section 3.5 provides the Urban Housing Policies. Policies, HSP4 - HSP5 (sequential approach – outwards from the core) – HSP 14 refer. Regard is also had to the following:

HSP 6 - To ensure the provision of a suitable range of house types and sizes to facilitate the changing demographic and in particular the increasing trend towards smaller household sizes. In private housing schemes a minimum of 10% of housing units shall be 2-bedroom units.

HSP 7 - To require that development proposals for new residential developments in settlements demonstrate a high-quality design process including layout, specification and external finishes and to have regard to the guidelines set out in key government publications listed in Section 3.2.1.

HSP 8 - *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.*

Development Management

Chapter 15 outlines specific controls to ensure that new development complies with best practice, current standards and guidelines and relates to the character, scale, layout and form of wider areas.

Section 15.2.1 concerns Urban Design and seeks a positive contribution to settlement identity and setting in Towns and Villages. Regard is also had to compact urban centres, infill and brownfield sites, scale and mass, regeneration and impact on residential amenities.

Urban Development policies for the Public Realm UDP 1-3 refer.

Section 15.7 refers to Multi-Unit Residential Developments and to the location, design and integration of new residential development into established communities significantly impacts on existing and future communities. Policy RDP 1 refers.

Section 15.7.1 notes that the layout of a scheme and how it relates to its surroundings is an essential component to creating a quality environment for a community and lists a no. of components to consider when designing the layout for new developments.

Policy RDP 2 seeks: *To ensure that all applications for residential development comply with the guidelines outlined in Section 15.7 of Chapter 15 of the Monaghan County Development Plan 2019-2025.*

Section 15.7.2 refers to the Orientation & Separation of Dwellings. Section 15.7.3 to Shared Spaces/Home Zones. Section 15.7.4 supports variety in dwelling mix.

Section 15.7.6 refers to Housing Density Policy RDP 3 seeks: *To generally require a higher density of units as well as a mixture of housing types within multi-unit residential schemes, including single storey units to create sustainable balanced communities.*

Section 15.7.7 supports Low Density Residential Development, including Serviced Sites on Proposed Residential B lands. The subject site is on Proposed Residential A lands.

Policy RDP 7 provides Policy for All Housing Developments to comply with current developmental standards.

Section 15.8 refers to Recreational Facilities & Open Space and has regard to the quality of open space provision. Table 15.2 provides the Open Space Standards i.e. 10% for 0-40 units, 15% for 40-150 units etc.

Section 15.8.1 and Table 15.3 provide the minimum Private Open Space Standards. RDP8 – RDP10 - provide Policies for Public and Private Open Space.

Policy RDP 24 provides: *Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reasons of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted.*

Section 15.19 seeks to retain/provide high quality Landscaping (Urban & Rural).

Landscaping Policies LCP 1 – LCP 2 refer. These include reference to a comprehensive landscape plan.

Section 15.27 refers to Road Access Standards and refers to Minimum Required Sight Distances for New Access onto existing urban roads and seeks compliance with DMURS. Regard is had to visibility splays and requirements.

Policy RAS 1 seeks: *To apply the visibility standards as set out in Section 15.27 and Appendix 12 - Access Details of the Monaghan County Development Plan 2019-2025.*

Section 15.28 provides the Car Parking Standards – Table 15.9 refers. Policies CP 1- CP 7 refer. Section 15.29 refers to extension of Pedestrian Footpaths.

Section 15.30 refers to Appropriate Assessment – Policy AAP 1 refers.

5.3. Natural Heritage Designations

As noted in the Planner's Report, the site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Sean Lucy & Associates Ltd Town Planning Consultants have submitted a Third Party Appeal on behalf of Martin & Samantha McGlynn, local residents in Corr an Tobair housing estate. The Grounds of Appeal are summarised as follows:

- They consider that the development for which permission has been granted has been obtained under false pretences and should be refused.
- That the proposal, which was agreed with Monaghan County Council prior to the lodging of a planning application, represents the development of an overconcentration of social housing stock within an existing small housing estate.
- That the location of the proposed development is not suitable for the provision of a significant social housing development.
- That the design and layout for the proposed development is deficient and unsuitable given the contours of the site and the proposed design response.

Social Housing

- There is concern that the developer reached agreement with the Council to provide the 41no. houses for social housing prior to lodging the application. Also, that this was not included on the Public Notices or referred to in the information submitted.

- They suggest that this application was conducted as a *fait accompli* with the Council committed, by virtue of their prior agreement to deliver a decision to grant permission.
- The application failed to adequately inform the public of the nature and form of the development and they request that permission be refused in this instance.

Ground of Appeal No.1

- They have regard to the Public Notices and to the Part V details submitted and are concerned that they did not state these 41no. units were for social housing.
- They note that having approved the funding the Minister announced the news to the media, and other than this they would not have known the site was to be developed for social housing. (They enclose a newspaper cutting).
- Therefore, the Council had full knowledge of the fact that the planning application was for 41 social houses within a small existing housing estate.
- They submit that the public notices did not adequately inform the public of this fact and that this is a significant matter. The Council should re-advertise the scheme to state the 41no. units are for social housing.
- They request the Board to refuse permission on the basis that the Council failed to adequately inform the public of the nature and extent of the development proposed, contrary to legislation (Article 19(3) of the Planning and Development Regulations 2001) as amended.
- Part 8 procedures are transparent in their nature and inform the public of the true nature of the development which they intend to pursue.

Grounds of Appeal 2

- They are not opposed to the provision of social housing in a balanced manner throughout the town and wider county. In this respect they refer to Policy HSP3 of the Monaghan CDP.
- Were 41 social houses to be permitted with the Corr an Tobair estate they would represent the vast majority of residences within the estate which currently comprises 23no. private houses constructed.

- This does not represent an appropriate balance and it is unreasonable to expect that a small estate of privately owned dwellings, would find itself in the minority within the finished estate as developed.
- The site is accessed through the existing estate road and is in immediate proximity to Corr an Tobair estate. They consider that the site forms part of the existing estate.

Ground of Appeal No. 3

- The location of the proposed development is c.1.25kms distance from the town centre, is not suitable for elderly or people with disabilities due to its topographical location on the side of a hill and is not pedestrian friendly and will increase pressure for car usage.

Ground of Appeal No. 4

- The design and layout is unsuitable in that the proposed location of the open space is constrained and will not be overlooked by all the units. It has been designed to maximise the number of units on site, rather than provide a safe, secure, pleasant environment within the scheme.

Ground of Appeal No. 5

- They are concerned that the location of Open Space A does not allow for passive surveillance of the majority of units.
- They submit that the proposed design and layout is deficient and should be refused.

Conclusion

- While they consider that the proposed development is not suitable in its current form for the appeal site, both in terms of design and layout and its location, the primary issue has been the total lack of transparency by the Council that the proposed development was to consist entirely of social housing.
- While they support a Part V agreement which provides for a reasonable percentage of social and affordable housing, there can be no justification for

the provision of 41 no. Social housing units within an existing private estate of only 23 units.

- They consider that this level of social housing would have a significant and detrimental impact on the value of their homes and would represent completely unbalanced development within the estate.
- Documents relative to the social housing issue are included with their Appeal.

6.2. **Planning Authority Response**

Monaghan County Council have not responded to the grounds of appeal.

6.3. **Applicant Response**

Kieran O'Malley & Co. Ltd. have submitted a First Party response to the Grounds of Appeal on behalf of the Applicant, Greenbriar Developments Ltd. which includes the following:

Ground of Appeal No. 1

- The notices accurately described the nature and extent of the proposed development. The Further Information submission was also advertised as confirmed in the Planning Officer's Report.
- Neighbours who filed submissions including the Appellants were fully informed of the nature and extent of the proposed development.
- In their opinion the public notices were fully compliant with Regulations.
- The developer Greenbriar Ltd is entitled to sell its houses to whomsoever it wishes; that information is not required to be stated on the notices or in the planning application.
- The applicant issued an information leaflet to the Residents of Corr an Tobair in July 2019, so they were aware of the developer's intention prior to the receipt of the further information in September to the Council.

Grounds of Appeal No.2

- The application is not for social housing, which would typically be pursued through the Part 8 process by a local authority. As the public notices state it is for 41 two storey houses and as required by the planning legislation, the application identifies 4 mid terrace units (nos. 31,34,37 and 40) to satisfy its Part V obligation.
- This will not be an extension to the Corr an Tobair estate unlike the 4 no. dwellings proposed under Reg.Ref.19/160. As shown on the Site Layout Plan it will have separate vehicular entrance, open space provision etc. With the exception of connecting to the existing municipal drainage services that also serve Corr an Tobair, there is no formal integration or reliance on Corr an Tobair to support this proposal.
- A wide variety of residential mix will be provided in this proposal suitable for different accommodation options, complying with the Monaghan CDP and section 34 of the Planning and Development Act 2000 as amended.
- The Appellant's opinion that Greenbriar's housing will cause significant depreciation of the nearby property values is not accepted. There is no expert professional valuer advice to support this allegation. The appeal site is zoned Residential A in the Monaghan CDP.
- They have regard to section 3.1.4 of the Monaghan CDP and note the numbers of the social housing list. They provide that the Council has assessed the *needs of the area* as required by policy HSP3 and determined that agreeing to purchase the proposed development is sustainable and part of an appropriate way to address housing requirements in Carrickmacross.

Grounds of Appeal No.3 & 4

- The appeal site is zoned for residential development in the statutory development plan and has been subject to previously approved planning applications for residential development, so it is clearly a suitable location for residential development.
- They note that they submitted the following documents in response to the Council's F.I request:

- (i) 12 Point Design Appraisal dated 12th of September 2019 and prepared by Collins Maher Martin Architects;
 - (ii) Design Statement for RFI Response prepared by CBA Consulting Engineers, and
 - (iii) Hydrological Risk Assessment prepared by McCloy Consulting.
- They invite the Board to consider that these documents comprehensively address and satisfy every issue raised at grounds of appeal 3 & 4 professionally.
 - As confirmed in the Planner's Report the Council's Road Design Section and the Environment Section all considered these amendments as part of the F.I response and were satisfied and the Planning Officer considered the 12 Point Design Appraisal and landscaping plan acceptable.
 - The Applicants assertions in the grounds of appeal nos. 3 and 4 are baseless and without foundation and should be rejected by the Board.

Conclusion

- This proposal is to provide urgently needed housing for Carrickmacross and they note the information obtained by the freedom of information request and submitted with the appeal demonstrates the high demand for housing in the town.
- The Applicant is entitled to enter into a legal agreement with a local authority, housing body or private company or individuals for the sale of the proposed units.
- The residents of the neighbouring estate Corr an Tobair were all informed of the Applicant's intention over 2 months in advance of the submission of the response to F.I so their concerns of *trust and transparency* are not accurate.
- The proposal will not be an extension of Corr an Tobair, it will be wholly independent with a different scheme name as the Appellants and Residents were advised in July 2019. They include an Information Leaflet sent to local residents.

- The provision and integration of social housing takes on many forms. They refer to Part V of the Planning and Development Act 2000, (as amended). They also note different forms of development within private housing throughout the country such as the high quality scheme of 43 new social homes at Latlorcan, Monaghan Town that were launched in November 2019.
- The Appellants concerns about this proposal are misguided and there is no planning basis to overturn the local authority decision.
- They ask the Board to reject the grounds of appeal and confirm the decision of the Planning Authority.

7.0 Assessment

7.1. Policy Considerations

- 7.1.1. Regard is had to the Monaghan County Development Plan 2019-2025 where it is noted that Carrickmacross is a Tier 2 Strategic Growth Town in the Settlement Hierarchy. As per the Settlement Plan the town performs important retail, residential, service and amenity functions for local rural hinterlands and supports the principle town of Monaghan. It is well connected and is located adjacent to the N2 interchange and the M1 motorway. It is noted that the population of Carrickmacross has increased over recent years (last census). Table 1.3 Population Change 2006-2016 refers (5032 pop – 2016). Chapter 6 of the Sustainable Residential Development in Urban Areas Guidelines refers to the smaller towns and villages as 2000 to 5000 persons (for which LAPS are required under the Planning Development Act 2000 as amended). This includes that new development must be plan led and lead to compact urban growth. Section 11.2 of the Carrickmacross Settlement Plan notes that the Core Strategy set out in Chapter 2 of the CDP Plan projects that the population of Carrickmacross town will grow to 6,052 over the Plan period and a housing land requirement of 25.9 hectares is being provided within the settlement boundaries in order to accommodate this projected growth.
- 7.1.2. The 'National Planning Framework Plan 2040' seeks to increase housing supply and to encourage compact urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter

4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *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 6 is also of note in that it refers to regeneration and rejuvenation of cities, towns and villages as environmental assets. Section 4.3 refers to Planning for Ireland's Urban Growth. Objective 7 includes: *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*

- 7.1.3. The First Party note that the proposed development is consistent with the residential zoning objective and relevant policy requirements as set out in the Monaghan CDP 2019-2025 and that it is plan-led. They have regard to background issues and provide that the proposed development and accompanying documentation have been prepared in response to the existing site context. Also, that the layout and design particulars incorporated into the application as submitted and in response to the Council's Further Information request is considered to provide for a high quality residential scheme. They also refer to the details on traffic submitted and do not consider that the proposal will lead to traffic congestion/hazard.
- 7.1.4. The Third Party are concerned that proper planning and sustainable development principles are founded on the idea of 'balanced' development. They submit that the proposed development of 41no. social houses within an existing privately owned estate of only 23 houses (constructed) constitutes an inappropriate level of social housing development at this location and, for that reason, they request the Board to refuse permission for the proposed development. They also have concerns about density, design and layout and traffic implications.
- 7.1.5. It is considered that the principle of a residential development is acceptable on this site relative to the land use zoning. Regard is had further to the documentation submitted and to the issues of concern raised by the Third Party. Issues for consideration include compliance with planning policy and guidelines, quantity/balance of social housing, density, design and layout, access/traffic and drainage and the impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. Background and Rationale

- 7.2.1. The Planning Statement submitted with the application provides details of the Background to the application. Regard is also had to the Planner's Report and to the Planning History Section above. This notes that permission was originally granted to construct 64 houses on the overall Corr an Tobair site in 2003, Reg.Ref. 01/1047 refers. Revisions were granted to the scheme under permissions Ref. Refs. 04/1441 and 09/248 and 12/60 and a total of 23 houses were subsequently built before the recession halted work, which has remained at a standstill for most of the last decade. Under Reg.Ref.18/511 permission was granted to build a further 6no. houses to complete the crescent of houses at the north-western corner of the site.
- 7.2.2. It is provided that the current application seeks to develop 41 houses on the remainder of the overall site and they have separated it from previous applications because it will have a different entrance from the new stretch of link road, and will have a different layout, density and mix of houses to that originally granted. It is noted that the existing Corr an Tobair development consists of large detached and semi-detached dwellings and the 4 and 6 houses granted more recently will be in keeping with the scale and density of that development, originally granted in 2003. However, it is provided that the current proposal will offer a greater range and variety of housing including smaller units, and this together with the topography of the site means that the proposal will have a separate site access and identity. Also, that the current proposal represents a different concept and a more sustainable density of development on the balance of these zoned and serviced lands.

7.3. Social Housing issues

- 7.3.1. This has been raised as a significant issue in the Third Party Appeal. They are concerned that the proposal will be for 41no. social housing units and will be located beside and will impact adversely on the well established and smaller scale private housing development of 23no. houses at Corr an Tobair. They provide that while they do not object to the provision of a small number of units for social and affordable housing as per Part V, that this level of social housing in this location will lead to an unbalanced estate and is not desirable. They are concerned that such an amount of social housing in one area on the outskirts of the town, will lead to anti-

social behaviour and social segregation. They consider that since they will be greatly outnumbered by the social housing that their property will be devalued.

7.3.2. They contend that there has been a lack of transparency in the Public Notices and in the information supplied with the planning application. In this respect they refer to Article 19(3) of the Planning and Development Regulations 2001 (as amended). This refers to erecting or fixing the public notices to adequately inform the public. Reference is also made to sub-articles (1) and (2) regarding the notice, fixture and content of Site Notices. I would also refer to Article 18 (1)(d) regarding the context of Notice in the newspaper. This provides for a brief description of the nature and extent of the development, including -

(i) *where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided,*

It is noted that there is no requirement therein, to state that an application is for the provision of social housing, rather the number of houses within the scheme.

7.3.3. They request the Board to refuse permission for the proposed development under the Fourth Schedule of the Planning and Development Act 2000 (as amended) on the basis that:

10. In the case of development including any structure or any addition to or extension of a structure, the structure, addition or extension would – (c) depreciate the value of property in the vicinity.

7.3.4. The Fourth Schedule of the said Act, refers to *Reasons for the Refusal of Permission which Exclude Compensation*. However documentary evidence has not been submitted relative to confirmation of such devaluation. Also, this Schedule refers to reasons for refusal, not to conditions. It is noted that the land is zoned for residential and this proposal is in compliance with this. It is provided that the proposed design and layout would produce a high quality development that would be in accordance with the proper planning and sustainable development of the area.

7.3.5. A number of documents, including from the Council have been submitted relative to the 41no. units being for social housing. This includes a *Project Appraisal Submission* from the Housing Section of the Council which provides that: *the proposed houses are intended to accommodate the general need identified*. It is

noted that the proposed site is located c.1.2km from the town centre (10 -15 minute walk) beside an existing private housing estate. Also, that this residentially zoned site is in walking distance of all local service with two schools and GAA grounds nearby. It notes that Churches, Community Centre, H.S.E. Primary Care Centre, Doctor, Bus Eireann stop, local shops and shopping centre are all within walking distance. This Report considers that the proposal to construct social houses in the subject location is considered to be sustainable. There is also a letter from the Department of Housing, Planning and Local Government relative to Approval in Principle for the *Turnkey Proposal for 41 Units @Corr an Tobair, Carrickmacross under the Rebuilding Ireland Programme*. They also note an *Expression of Interest Submission* from Greenbriar Homes.

- 7.3.6. Regard is also had to Section 3.1.2 of the Monaghan CDP which provides the Social Housing Requirements. This notes that the 2017 Housing Need Assessment for Monaghan indicated that there were 921 households on the social housing waiting list. Also, that through Part V provision where developers provide up to 10% social housing in developments in excess of 9 units and the priority will be to secure social housing units on site. Regard is also had to the five pillars of the Government's strategy *Rebuilding Ireland, An Action Plan for Housing and Homelessness*. Note is had of Policies HSP 1 and HSP 2 (as noted in the Policy Section above) which support the provision of social housing by voluntary bodies etc and also the implementation of Part V. Policy HSP 3 seeks to counteract undue social integration.
- 7.3.7. The First Party response provides that the Applicant has the prerogative to enter into a legal agreement with the local authority, housing body or private company or individuals for the sale of the proposed units. This is not required to be stated in the statutory notices and notes that the residents in Corr an Tobair estate were informed of the Applicants intentions. They provide that the proposed development will not serve as an extension to Corr an Tobair but will be a wholly independent scheme with a different scheme name. They note that the provision of social housing takes on many forms including standalone schemes proposed or purchased by local authorities. Part V housing has been a feature of the planning system and is referred to in Planning and Development Act 2000 (as amended).
- 7.3.8. While regard is had to this issue relative to social housing provision, and note is had of the concerns of existing residents including the Third Party, and the First Party

response, control over the issue of who purchases the housing units or how the estate is managed is not within the remit of the Board. Rather consideration of the merits of the design and layout of the proposed development having regard to the proper planning and sustainable development of the area, is being considered *de novo*. Other than the general inclusion of a Part V condition, as per the Planning and Development Act 2000 (as amended), the issue relative to controlling/limiting the amount of social housing or the tenure of who owns the units, would not be enforceable or included in such a condition by the Board. Rather this is an issue for the agreement of the Local Authority, the Developer and if deemed necessary the appropriate Housing Bodies.

7.4. Density issues

- 7.4.1. This proposal is to construct 41no. housing units on this site area of 1.8ha and it is provided that the density is c. 23 units per ha. It is noted that the Sustainable Residential Guidelines for Development in Urban Areas 2009 have regard to Density Standards. Section 6.11(b) refers to Edge of centre sites and provides that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town of villages concerned. This recommends densities in the range of 20-35 per ha to include a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.
- 7.4.2. Chapter 5 of the Guidelines refers to Cities and larger towns (defined for the purposes of these guidelines as towns with 5,000 or more people). This refers to Outer Suburban/Greenfield sites and in general in these areas a range of 35-50 dwellings (involving a variety of housing types where possible) per hectare is encouraged. This discourages net densities less than 30 dwelling per hectare in the interests of land efficiency, particularly on sites in excess of 0.5ha.
- 7.4.3. Carrickmacross is described as a Tier 2 Strategic Growth Town in the Monaghan CDP Core Strategy and Settlement Hierarchy of County Monaghan, Table 2.5 of the Plan provides the Core Strategy Table 2 – Housing Land Requirement Map (HLR). This notes that the Settlement Structure provides for 80% at 20 units/ha Average Density and 20% at 10 units/ha Average Density. While the site is within the development boundaries of Carrickmacross, it is located on a constrained greenfield

site on the outskirts i.e edge of centre. Local residents, are concerned that the proposed density is too high taking into account existing lower density development in the area and the peripheral location adjacent to agricultural land and consider it will lead to an over development of the site. While there are some bus services serving the town, the population is relatively low and it is not a public transport hub or a regional centre in the Border Regional Authority Planning Guidelines. I would consider that taking policy and guidelines into account and noting the peripheral edge of town location and the constraints of this upland greenfield site that the density proposed in this instance is acceptable.

7.5. Design and Layout

- 7.5.1. This proposal is for a residential development with all associated roads, site services, boundaries, landscaping and associated site works. The proposed layout is for 41 no. 2 storey housing units in a cul-de-sac type layout with a single vehicular access at the northern end via the existing section of the new link road. As originally submitted the vehicular access was located more centrally on site but as part of the revised information submitted it is shown located further to the north of the scheme. There are two separate areas of open space proposed 'A' being the larger and more elevated open space proximate to the south western corner of the site and 'B' proximate to the northern end and the proposed vehicular entrance. While not ideal, in view of the upland nature the proposed development will be cut into the contours of the site. However, it is noted that the proposed layout is constrained in view of the elevated topography and the undulating nature of the site. There are concerns that the houses do not face the road and the open space is not surveyed by all the units.
- 7.5.2. The proposed development is to provide a housing mix of 4no. type 1, 2 bedroom mid terrace houses, 30 no. type 2, 3 bedroom semi-detached or terraced and 7no. type 2 variation 3 bedroom semi-detached or end of terrace housing facing the open space. Therefore, while there is some unit mix, the scheme is for predominantly 3 bed housing which it is provided is to meet demand in this area. Modified house types are to be used at the ends of the terraces to prevent blank gables and provide passive surveillance to users of the public open space. In this respect I would concur with the Council's Condition no. 4 (a)(i) and (ii) relative to the need for dual aspect to be provided to the side elevations units 1,22,23,35 and 36 facing the public road and

41,30,29,16 to provide an interface/passive surveillance of the public open space. If this Board decides to permit, I would recommend that this be conditioned. Similarly, as per condition no. 4(iii) and (iv) I would recommend that the gabion walls and bin areas be omitted from the front of the proposed units and the access lane shown to the rear of nos. 1- 4 be omitted from the proposal.

- 7.5.3. Documentation submitted provides that all of the houses comply as a minimum and exceed the requirements and standards of current guidelines. An overall review of the housing is provided in the Housing Quality Assessment submitted. In response to the Council's F.I request a 12 Point Design Appraisal (Neighbourhood/Site/Home) in accordance with 'Urban Design Manual – A Best Practice Guide 2009 was submitted and includes regard to key criteria such as Context, Distinctiveness, Layout, Public Realm and Privacy/amenity. Details are given and it is noted that the proposal complies with these criteria.
- 7.5.4. Private open space is provided in the form of rear garden areas, ranging from a minimum of 57sq.m for a two bedroom house to larger garden areas for the three bedroom houses. This complies with Table 15.3 - Private Amenity Space Standards of the Monaghan CDP. I would have some concern about the north facing tiered gardens, however, I note that this is in view of the steeply sloping topography. It is also noted that there is generous public open space provision on the site.
- 7.5.5. Having regard to the Site Layout Plan I note that there is a strip of open space to the south of the dwelling on Plot no. 22. I would have some concern about the location and open nature of this in close proximity to the road frontage and would recommend that if the Board decides to permit that it be conditioned that the rear garden of no.22 be extended further to the south to be in line with that of no. 23 to the rear. This would reduce the open space strip along the road frontage of the site. I would also recommend that this strip including proximate to the end of the cul de sac be landscaped.
- 7.5.6. There is Third Party concern that in view of the elevated nature of the site, that the proposed houses will cause overlooking and loss of privacy to the houses in Corr an Tobair to the north. However, it is noted that the scheme allows for a minimum of 22m separation distances to first floor rear windows in Corr an Tobair estate (including from the houses being constructed to the north). Also, in view of the

contours of the site and the orientation of the existing development, it is considered that the new scheme will be seen as a separate entity by the existing residents and will not negatively affect their amenity.

- 7.5.7. On site car parking is to be provided at the rate of 2 spaces per units within the site frontage and is in accordance with the requirements of Table 15.6 of the CDP.

7.6. Landscaping and Open Space

- 7.6.1. The Third Party is concerned that the proposed design and layout is constrained in that the open space will not be overlooked by all the units. They consider that the contour issues within the site and the significant height of the retaining wall to the north of Open Space A does not excuse the poor layout which, they suggest is to maximise units on site rather than provide a safe, secure, pleasant environment within the scheme. They are concerned that as the primary open space area 'A' will be carved out of the landscape and bounded to the southwest by a high retaining gabion wall. Also, that it will not be conducive to safety or to passive surveillance by the majority of the units. They submit that as the land lies there is a natural drop and the recreational area is on a steep slope and that there will be a lack of recreational area amenities. Having regard to the constraints of the site they consider the design and layout is deficient and should be refused.
- 7.6.2. The First Party provide that they have placed the open spaces where they believe will have the most benefit, i.e at the entrance to the scheme – Open space 'B' (shown 918sq.m) with views from the site towards the town, and at the rear in the most elevated part of the site. They propose a retaining wall to the main open space 'A' (shown 3.340sq.m) to be a strong landscaping design feature, built up in natural layers of gabion stone topped with green seeded terramesh, to soften the impact significantly and make a positive sheltering and enclosing edge. I would recommend that this be appropriately landscaped in the interests of visual amenity. As shown on the plans submitted the total area of public open space is 4,258sq.m which is c.23% of the site area. This is greater than the 15% standard in Table 15.2 of the Monaghan CDP. However, it is noted that the location of open space 'A' is in view of the topography and constraints of the site. Housing in this area would appear very dominant in the landscape at the periphery of the town.

7.6.3. It is provided that boundary treatments will be in keeping with the neighbouring development of Corr an Tobair, particularly along that stretch of road already taken in charge, the next stretch of road is a privately-owned road running along the southern boundary. Here the boundary proposed is a beech hedge, in front of green paladin fencing as requested by the adjoining landowners. It is noted that the western and northern boundaries are mostly to lands in agricultural use, some of which are zoned residential. The boundary proposed is low post and rail fencing for demarcation and a native hedgerow for screening and privacy. Boundary wall treatment is proposed along the northern boundary with the houses being constructed in Corr an Tobair.

7.6.4. It is noted that as part of the further information a Landscape Masterplan has been submitted providing details of the open space and the proposed landscaping. Specifications for Implementation and Maintenance of Landscape Works have also been submitted. Regard need to be had to the quality of open space provision for both active and passive recreation as well as contributing to the character and attractiveness of a development. I would recommend that if the Board decides to permit that the Landscaping Plan be implemented but that further details be submitted relative to the concept and construction of the gabion wall and configuration of the open spaces, and all boundary treatment. The retention of hedgerows and trees along the boundaries and the use of native species rather than a beech hedge along the frontage should be provided for. It is recommended if the Board decides to permit that these issues be conditioned.

7.7. Access and Traffic

7.7.1. Concern has been expressed in the Submissions made by local residents regarding the location of the proposed access and potential increase in traffic, and in particular that it will impact adversely on the adjoining small estate in Corr an Tobair. They consider that the appeal site is unsuitable for the provision of 41no. social units due to the topography of the site, location of the access and the distance from the town centre. That road safety will be potentially compromised for the local residents, future road users and pedestrians at the Ballybay roundabout by placing additional pressure on existing road structures. It is noted that there is a single point of access proposed into this development proximate to Corr an Tobair estate and sited close to

a junction. Also, concerns that the impact of traffic flow has not been addressed in the revised proposal. They consider that the application presents risks to the safety of residents and children and that provision should be made for public footpaths and cycle lanes.

- 7.7.2. CBA Consulting Engineers have submitted a Design Statement in response to the Council's F.I request. This includes a Traffic Assessment Report by Stephen Reid Consulting. In the interests of providing a robust assessment they have also included the 4no. houses granted permission on the land to the north (Reg.Ref.19/160 refers). The site is accessed from the roadway which forms an arm on the R180, 4 arm Ballybay Road roundabout. This roundabout also provides a northern access to Carrickmacross town centre. There is good accessibility to the R180 Ballybay Road and to the N2 interchange. Regard is had to the site context and local access roads in the vicinity. The access road which appears as a potential link road continues to access a private house to the southwest and the waterworks. Details are given of Existing Traffic Volumes. It is noted that currently there is very little traffic on the accommodation road.
- 7.7.3. The Traffic Assessment provides that the new access will be a priority controlled (stop controlled) junction and notes that the internal road layout has been designed in accordance with DMURS requirements for roads within the urban area with regard to 50km/h and a reduced speed limit of 30km/h within the estate. It is provided that, Road markings and signage at the new access junction will be provided in accordance with current standards. The internal layout is for 6m access road, reduced to 5.5m where there is one-sided development only with 2m footpaths, throughout the development and connecting to existing footpaths entering/exiting the estate and new public lighting throughout the scheme. It is provided that the roads layout has been designed with turning heads to accommodate access by occasional larger vehicles such as refuse trucks and delivery vans, and for fire tender access.
- 7.7.4. Traffic modelling (ARCADY software) has been carried out and it is submitted that in terms of the additional traffic during peak hours or across the daytime period there would be no detrimental impact on the operational capacity of the cul-de-sac road, on the operation of the Ballybay roundabout, or on the area road network. It is provided that the results of the junction analysis undertaken demonstrate that traffic from the proposed development will not have a detrimental impact on the Ballybay

Road roundabout and that no mitigation measures are required. It is concluded that the TA demonstrates that the traffic generated as a result of the proposed development can be accommodated within the surrounding road network.

- 7.7.5. Appendix B of the Traffic Assessment includes Stage 1 and 2 Road Safety Audits and a Designers Response to these. This also has regard to issues with the internal road layout and cul-de-sac turning areas and provides recommendations for revisions. These include that crossing facilities, incorporating tactile paving and dropped kerbs, should be provided for pedestrians across the site entrance. It is noted that the Audit Team has concerns about the open frontage of the open space at the site entrance onto the estate and regard is had to access and crossing points which they provide act as a traffic calming device. They recommend proposals for access to open space areas. They are also concerned that landscaping should not impede sightlines at the entrance to the estate.
- 7.7.6. It is noted that the revised plans submitted incorporate many of these modifications. Also, that the Council's Road Section/Municipal District Engineer do not object to the proposed development as revised, but provide a number of recommendations relative to the proposal and if the Board decides to permit it is recommended that these be included in the relevant roads condition.
- 7.7.7. Section 11.8 of the Monaghan CDP refers to Roads and Traffic Management and includes that Carrickmacross Town (N2) By-pass which opened in 2005 has significantly improved the quality of life within the town, by reducing congestion and improving amenity in the town centre. The Carrickmacross Settlement Strategy provides a list of proposed roads which it provides will contribute towards improved traffic and pedestrian safety, provide greater and safer access to all parts of the town and open lands for development. These potential links are identified by indicative lines on Map CKD1. This includes the road adjoining and to the south of the subject site: *Link from Shercock Road (R178) to Ballybay Road (R180)/Castleblayney Road (N2)*. It is provided that such potential links will be subject to detailed design and will be taken through the relevant consent procedures. Also, that these indicative lines represent the centre line of a 100m wide preliminary corridor. It is a key objective of the Monaghan CDP is to carry out a Transportation Study for Carrickmacross Town to identify the priorities for future road programmes in the environs of the town.

7.7.8. It is noted that public and private bus service operators travel from and through Carrickmacross Town offering service to Dublin Airport, City and third level institutions. The Plan also notes that Carrickmacross Active Travel Town – A walking and Cycling Strategy was adopted in 2017. There are currently no cycle paths in the vicinity, so there are none to connect to. I would recommend if the Board decides to permit that it be conditioned that there be a footpath from the access to the proposed development to link up with that of the adjoining estate in Corr an Tobair so as to provide pedestrian linkages to the north of the site and to Carrickmacross town centre.

7.8. Drainage

7.8.1. The Council's Environment Section noted that the proposed development lies in an area of moderate groundwater vulnerability, overlying a regionally important karstified aquifer. The development is in the Proules Catchment (Area for Action) and Spring Lough and Moynalty Lough Sensitive Catchment. The Proules_010 is classified as good under the Water Framework Directive. They also note that the development is located within a planning alert zone. The development site is located 215m from two borewells located at Nafferty. The borewells are underlain by an aquifer with moderate to extreme vulnerability, located less than 200m from the development site. The site is located approx. 195m from the Proules River.

7.8.2. Regard is had to Table 8.1 of the Monaghan CDP which lists Sensitive Surface Water (Map 8.1) – no. 21 refers to Spring Lough – Carrickmacross Public Water Scheme. Table 8.3 (Map 8.2) refers to Sensitive Groundwaters – no.29 Nafferty– Carrickmacross PWS. This also noted that Monaghan is covered by the Neagh Bann CFRAM. Four Areas for Further Assessment (AFA) have been identified in the County and Carrickmacross is included.

7.8.3. The application details that the surface and foul water will connect to existing services. That the foul main and pumping facility have been adopted by Irish Water. Details note that the surface water main, attenuation area and interceptor have been adopted by the Council. It is intended to include soakaways within the driveway areas to allow for infiltration. A high-level overflow is to be provided within the

soakaway to allow for discharge of excess runoff to the proposed surface water sewers should it be necessary.

- 7.8.4. The Council's Water Services Section notes that the proposed development can be supplied by water from the existing watermain network within the Corr an Tobair Estate. They note that the proposed development can be served by the public wastewater infrastructure by way of connecting to the existing wastewater network within the Corr an Tobair Estate. They also note that it is important that the applicant liaises with Irish Water to agree connection routes and connection infrastructure which are acceptable to Irish Water to serve the proposed development.
- 7.8.5. A Hydrological Risk Assessment by McCloy Consulting was submitted as part of the F.I response. This provides that a review of abstractions serving group water schemes (GWS) on the GSI groundwater data viewer indicates that there are no group scheme abstractions within 1km of the site. Details are provided of surface watercourses and catchments within proximity to the site. They note that a review of the EPA maps, National Parks and Wildlife Services (NPWS) map viewer and Ramsar sites information service indicates that there are no protected areas within 5km of the site. Also, that a review of the EPA waste; web maps identified no landfill sites within or proximal (within 500km) of the site boundary. A ground investigation of the site which includes regard to ground conditions and groundwater levels was carried out. They provide that there is no complete pollutant (S-R-P) linkages and no risk to the groundwater environment associated with the current or previous land uses at the site.
- 7.8.6. Regard is had to the proposed development and to potential sources of contamination from the proposed construction works and to potential pathways and receptors. In Section 5 of the Report a Preliminary Risk Screening was carried out and Tables refer to Receptor Sensitivity, Magnitude of Potential Effect, Construction Phase/Operational Phase Risk Assessments. Design Mitigation notes that potential effects that may cause pollution of the groundwater environment by chemicals or fuel oils are 'possible' during construction phase. It is provided that these effects will be reduced through adoption of standing advice Pollution Prevention Guidelines in conjunction with specific surface water management measures. It is noted that the development shall ensure appropriate management of storage of fuel and chemicals, plant refuelling and waste management. Table 5-8 provides a Summary of risk

following implementation of design mitigation measures and it is provided that there will be minor to negligible. The Report concludes that based on the findings of the Hydrological Risk Screening and Design Mitigation, that the proposed residential development at the site poses no unacceptable risks to the groundwater environment.

7.9. Other issues

- 7.9.1. Construction Management: This is a greenfield site, adjacent to neighbouring residential properties and proximate to the Ballybay roundabout. It is noted that local residents are concerned that such a challenging upland site will require considerable excavation works. Site works will include minor ground excavations to construct house foundations, trenching for installation of services, and construction of ground retaining structures along the western/north-western site boundaries. If the Board decides to permit, I would recommend that good practice measures be followed in accordance with current standards and that it be conditioned that a Construction Management Plan be submitted to include a Traffic Management Plan.
- 7.9.2. Development Contributions: It is noted that Condition nos. 6 to 8 of the Council's permission concerns development contributions and Condition no. 9 a cash deposit/security bond. It is recommended that if the Board decides to permit that such conditions be included.

7.10. Screening for Appropriate Assessment

- 7.10.1. As noted in the Planner's Report and the NPWS website and Hydrological Risk Assessment Report, the site is removed from any Natura 2000 sites and there are no significant pathway connections in the vicinity. Having regard to the scale and nature of the proposed residential development and proposed connections to services and/or nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the site, and the policies and objectives as set out in the Monaghan County Development Plan 2019 -2025, the National Planning Framework, 2018 – 2040, the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009, the “Sustainable Urban Housing and the “Design Manual for Urban Roads and Streets” 2019 issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25th day of September 2019 and by the further plans and particulars received by An Bord Pleanála on the 6th day of December 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Dual aspect shall be provided to the side elevations units numbers 1,22,23,35 and 36 facing the public road and to unit numbers 41,30,29,16 to provide an interface/passive surveillance of the public open space.
 - (b) The gabion walls and bin areas shall be omitted from the front of the units.
 - (c) The access lane shown to the rear of nos. 1- 4 be omitted from the proposal.
 - (d) The rear garden of unit no. 22 shall be extended southwards to match the width of that of no. 23.
 - (e) Details of all boundary treatments shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed housing units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. The site shall be landscaped in accordance with the landscaping details submitted with the application and the Landscape Masterplan drawing no.19021_LP_01 submitted to the Planning Authority on the 25th of September 2019.

- (a) The areas of open space shown on submitted drawings shall be reserved for such use and shall be landscaped in accordance with the detailed requirements of the planning authority. The open space areas indicated shall be laid out and landscaped prior to the making available by the developer for occupation of any of the units.
- (b) Existing trees and hedgerows shall as far as possible be retained along the site boundaries and measures shall be put in place for their protection during construction works. A hedgerow of a species native to the area shall be used in lieu of a beech hedge along the roadside boundary.

(c) Further details shall be submitted relative to the concept, construction and landscaping of the gabion wall along the rear boundary of Open Space 'A' and the south western boundary of the site.

(d) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

(e) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and to prevent flooding.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

- 7.(a) The roads and traffic arrangements serving the site (including road signage and traffic calming), shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

(b) The internal road network serving the proposed development including access, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

(c) The proposed vehicular access and extension of the footpath to adjoin the estate to the north shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of pedestrian and traffic safety.

8. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the development, and of the proposed access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

10. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and

been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Angela Brereton

Planning Inspector

10th of March 2020