



An
Bord
Pleanála

Inspector's Report ABP 306372-20

Development	Construction and completion of residential development previously granted under 04/1061 & 05/302 where it is proposed to construct 30 houses.
Location	Forthill, Rathmore (Townland), Aughnacliffe, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	1987
Applicant	Donnelly Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellant(s)	Colmcille Residents Association
Observer(s)	None
Date of Site Inspection	08 th May 2020
Inspector	Brendan Coyne

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1.0 Site Location and Description

- 1.1. The site (c.2.78 ha) is located within the village of Aughnacliffe, which is located c. 18km north-east of Longford Town and c.8km south-west of Arvagh in County Cavan. The site as outlined in red comprises undeveloped lands within an unfinished housing estate of 28 no. dwellings known as Forthill. The estate is accessed via the main road which runs through the village, along the eastern boundary of the site. This road is within the 50km/hr speed limit.
- 1.2. The existing Forthill estate contains a terrace of two storey dwellings which front onto a cul-de-sac estate road, which runs parallel to the main road. The application site comprises lands to the rear / west of these dwellings. An estate road serves the site with 2 no. existing detached two storey dwellings located at the northern end of the road and a pair of 2 no. semi-detached two storey dwellings located at its south-western end. The site slopes moderately in a north to south direction, rising from 78.1m OD at the southern boundary to 94.7m OD at the northern boundary. The undeveloped lands are mostly overgrown with scrub, shrubs and young trees. The site is bound to the south by the Aughnacliffe Stream and to the west by agricultural land. An existing de-commissioned wastewater treatment plant is located at the south-eastern corner of the site.

2.0 Proposed Development

2.1.1. *Application as lodged on the 27/03/2019:*

Permission sought for the construction and completion of residential development previously granted permission under P.A. Ref.'s 04/1061 and 05/302, comprising the following;

- Construction of 30 no. dwelling providing the following:
 - 12 no. 2 storey semi-detached 3-bedroom dwellings.
 - 15 no. single storey semi-detached and terrace type 2-bedroom dwellings.
 - 3 no. terrace type 2 storey 3-bedroom dwellings.
- Provision of 2 areas of public open space comprising;
 - Area A (northern): 740 sq.m.

- Area B (southern): 352 sq.m.
- Access from the existing estate roadway,
- Provision of boundary fences / walls and internal access roads,
- Connection to existing public services with sewer and water supply,
- Ancillary site works.

2.1.2. Revised Proposal as submitted by way of Further Information on the 26/09/2019;

- Reduction in number of units from 30 to 28 no. dwellings, comprising the following;
 - 12 no. 2 storey semi-detached 3-bedroom houses.
 - 13 no. single storey semi-detached / detached 2-bedroom houses.
 - 3 no. 2 storey terraced 3-bedroom houses.
- Revisions to the overall layout including;
 - Omission of the east-west spur road through the centre of the site.
- Revisions to the 2 areas of public open space comprising;
 - Area A: 740 sq.m. (unchanged)
 - Area B: 360 sq.m. - to include an amenity and children's play area
- Upgrading of existing street lighting and lighting of public open spaces.
- Provision of 4 no. pedestrian crossings along the internal access road.
- The provision of horizontal deflectors along the kerb line to reduce car speeds.
- Revision to the layout of watermains.

Documentation submitted includes;

- Design & Planning Statement
- Landscaping Plan
- Topographical Survey
- Flood Risk Assessment

2.1.3. **Clarification of Further Information as submitted on the 18/11/2019:**

- Details of proposed road crossings, traffic calming measures and parking bays.
- Site Section Drawings and rendered View Drawing.
- Revised Landscape Plan - revisions include details of proposed children's play equipment and features around the play area.
- Provision of 1.2m high timber post and wire fencing along the southern boundary / river edge.
- Letter from the applicant's solicitor confirming consent from the landowners.
- Letter from Longford County Council confirming the areas taken in charge by the Council and green areas and landscaping are to be completed by the developer under the subject application.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant Permission subject to 17 no. Conditions. Noted Conditions include:

- Condition No. 2 Submit for agreement, revised drawings showing the following;
- Redesign each house to show a minimum 500m projection to their front elevation (to reduce their two-dimensional appearance).
 - Redesign House Type B1, B2, B3 and B4 to show 5 no. equally sized vertical windows per dwelling – 3 of the windows serving the living area and 2 of the windows serving the front bedroom.
- Condition No. 3 Submit for agreement details of the proposed Maccaferri retaining wall.
- Condition No. 4 Materials and finishes to be used on the proposed dwellings.
- Condition No. 5 Submit revised plans for Public Open Space A showing a connected path along the site boundary and the river, with a

natural stone finish wall 1.2m high and details of footpath finish, playground equipment and benches.

- Condition No. 7 Submit for agreement, boundary treatment between dwellings and around the site.
- Condition No. 8 Road Design Requirements.
- Condition No. 14 Part V compliance
- Condition No. 16 Bond requirement
- Condition No. 17 Development Contributions requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. *Initial Report (13/05/2019)*

- The overall layout and design of the proposed development is very poor and does not appear to have taken into consideration the location and gradient of the site.
- The proposed development is solely residential and does not include any elements to provide for a better community.
- The overall design is substandard in all aspects.
- The applicant has not submitted any information in relation to compliance with the zoning of the site.
- Landscape plans have not been submitted.
- The layout is considered awkward and overtly urban in style, where dwellings have been clustered together (i.e. dwelling no.'s 15 to 19 and 20 to 27).
- The design of the proposed houses is considered bland and uninviting.

3.2.3. Further Information was requested requiring the following;

1. (a) Clarify the legal ownership of the site and submit legal confirmation of same.
(b) Submit a Planning Statement demonstrating how the proposal complies with the zoning 'Site Resolution Objective' of the site which seeks to 'provide a mix

of uses for the sustainable regeneration of the area'. Details to be submitted to include a phasing scheme.

(c) Submit a Landscape Plan, prepared by a registered landscape architect, to include a layout plan, site sections and tree planting schedule.

(d) Submit a revised and improved Layout Plan integrating the proposal with the site terrain and a reduction in the number of clustered dwellings.

(e) The provision of a footpath serving proposed dwelling No.'s 28, 29 & 30 along the local road connecting with the village.

(f) Submit a revised house design proposal incorporating greater use of materials, include a finish schedule, revised window proportion design and adherence with Planning Guidelines regarding minimum floor areas.

(g) An improved street lighting proposal, with details of proposed make, model, specification and justified location.

(h) A topographical survey and contiguous sections at the northern end of the site, demonstrating the relationship between the proposed dwellings and the existing building stock and open space.

2. (a) Submit a revised layout plan incorporating traffic control measures in accordance with DMURS.

(b) Provision of a pedestrian crossing point on entering the site.

(c) Provide a larger turning bay at the southern end of the site.

3. Further information requested by Irish Water including;

(a) Show how unobstructed access to the existing foul sewer and watermain network is to be maintained.

(b) Design foul sewer drainage to comply with Irish Water Standards.

(c) Provide finish floor levels, invert levels, existing ground levels, service connections etc. regarding the foul sewer.

(d) The location of SV's to be reviewed.

4. Submit a site justification test / flood risk assessment.

3.2.4. **Second Report (21/10/2019)**

- The developer confirms that he will complete the public open space, roads and landscaping as outlined in the Site Layout Plan to a suitable standard within the common areas outlined and under the control of Longford County Council.
- The Design Statement submitted includes proposals for the completion of works including the phasing of the scheme.
- The Landscape Plan submitted includes extensive planting of the public open space, creating amenity and public areas.
- The Landscape Plan will ensure completion of the development to a standard which will improve the visual impact of the proposal as viewed from the village.
- The revised layout provides a more suitable arrangement of dwellings, reducing house numbers and amending house types in some locations to improve the aesthetics of the proposed development.
- The provision of single storey dwellings with an improved design will enhance the character of the area and reduce its visual impact upon entering the site.
- Revisions to house type and design, including window opening treatment are an improvement.
- The proposed lighting scheme would provide sufficient lighting to areas of public open space and newly created passive amenity areas, as well as an improvement of existing street lighting.
- The applicant has provided a full topographical survey of the site, including the existing access road and the river.
- The flood risk assessment submitted shows that the development falls within Flood Zone 'C' and the overall flood risk to and from the proposed development is considered low.

3.2.5. Clarification of Further Information was requested regarding the following;

1. (a) Submit drawings of traffic calming proposals.
(b) Provide appropriate pedestrian crossings. Zebra crossings in a housing development are not considered acceptable.

2. (a) Submit signed written consent from Longford County Council and other landowners for development on common open space areas.
(b) Submit a Site Plan clearly detailing ownership of lands.
3. Submit a revised proposal which addresses the zoning 'Site Resolution Objective', with the provision of full sized, hard surfaced playing basketball court / soccer pitch along with high quality trail routes, railing along the river, fishing platforms, play features ext.
- 4 (a) Additional site sections across the site.
(b) The provision of landscape terracing and higher quality street furniture, with plans detailing their precise location.
(c) Landscape Plan to be prepared by a registered Landscape Architect.

3.2.6. *Third Report (15/12/2019)*

- It is proposed to place uncontrolled pedestrian crossings in two key locations along the main development road, along with installing a dropped kerb, tactile paving and horizontal deflection with a variation in the existing kerb set inward to the centre of the road by 0.4m on either side for a length of 8.5m. This will create a visible change in the alignment and narrowing of the roadway to reduce traffic speed in both directions.
- Details of pedestrian crossings submitted.
- Zebra crossings have been omitted.
- The overall design of the proposal is considered acceptable.
- The applicant has submitted a well designed layout with a variety of house types.
- The proposal provides adequate open space, in accordance with Development Plan standards.
- All proposed dwellings have been provided with rear gardens, with depths of 11m metres, meeting Development Plan requirement, with the exception of site No.'s 7-10 which are to be designated older person dwellings.

- The proposed development is located within a central and strategic location within the village and therefore provides a development opportunity to consolidate the village at an appropriate density and scale.

3.2.7. **Other Technical Reports**

Irish Water: No objection subject to Conditions.

Transportation Section: Clarification of Further Information requested requiring the following:

- Details of proposed traffic calming measures, including details of the proposed horizontal deflections along the main internal road.
- Submit revised pedestrian crossing locations including the omission of zebra crossings, which are considered inappropriate for a housing development.

Chief Fire Officer: No objection subject to Conditions.

Inland Fisheries Ireland: Conditions recommended in the event of a grant of permission.

4.0 **Planning History**

4.1.1. **Subject Site**

P.A. Ref. 07/1045 Permission GRANTED in 2007 for the retention of a wooden fence over the top of the retaining wall site boundary for a distance of 65m.

P.A. Ref. 05/302 Permission GRANTED in 2005 for the construction of house no.'s 23-25 inclusive, omitted from planning permission P.A. Ref. 04 / 1061 consisting of 5 no. 4 bedroom detached dwelling houses type C, 4 no. three bedroom semi-detached dwelling house type E, 4 no. four bedroom detached dwelling houses type H, entrances, carriageway, boundary walls, piers, with connection sewerage treatment system.

P.A. Ref. 04/1061 Permission granted in 2005 for the construction of 58 no. dwelling houses, 3 no. apartments and 3 no. retail units, entrances, carriageway, boundary walls and piers.

5.0 Policy and Context

5.1. Development Plan

Longford County Development Plan 2015-2021 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned “Site Resolution Objective” which seeks “To provide a mix of uses for the sustainable regeneration of the area”.

Appendix 1 - Zoning Provisions: Provisions under this zoning objective state the following:

- This zoning allows for a redevelopment of the site to better provide for the community and residents needs including the provision of housing which is more in line with the traditional character and scale of development in the area, having regard for market demand, family accommodation requirements or the needs of older people or those with disabilities.
- Any development proposal for the land will only be permitted where the development proposed is compatible with the existing development on the site and should aim to incorporate any of the following elements, that are appropriate to the site, in addition to the provision of residential accommodation;
 - Community or resident needs (including education, childcare, healthcare, special needs housing etc);
 - Opportunities for local business and enterprise;
 - Active and passive recreation and amenity;
 - Community facilities (properties could be rented for community development, crèches, childcare, drop-in centres, education, after-school care, training);
 - Local shop facilities where such facilities would be commercially viable.

- Any development proposal for the site must be accompanied by a phasing scheme for the works including proposals for the protection of the residential amenities of existing residents in the area.

Figure 2.1.3 Settlement Strategy

Aughnacliffe is identified as a Tier 5 Serviced Settlement. These are described as local growth settlements with infrastructural capabilities to accommodate residential development at appropriate scales and provide important local services to rural communities.

Figure 2.1.4 Core Strategy

Section 3.2.11 Designated Settlements – General Policy and Objectives.

The following objectives are considered to be relevant:

Objective HOU DS 3

(b) Developments should reflect existing development patterns in terms of density, scale, layout, design and material finishes. Where appropriate, village/ town houses shall be required to be built up to the footpath in order to maintain existing or establish new building lines in the interest of the settlement structure and character.

(d) New residential developments in towns and villages will generally be required to provide open space at a minimum rate of 15% of the total site area. (e) Individual sites will generally be required to provide minimum back garden lengths of 11 metres.....

Objective HOU DS 5 Design Standards

(c) Design solutions should be employed to minimise overlooking / overshadowing and to preserve and enhance the residential amenity of the entire development.

(f) Private open space to the rear of dwellings shall be provided at a minimum of 11 metres in length, extending for at least the width of the dwelling unit. In the case of detached and semi-detached dwellings, this space should be accessible by pedestrians other than through the house. This private open space requirement may, in exceptional circumstances, be reduced in town and village centres and areas of higher residential densities where a satisfactory public open space/recreational, congregational area is provided.

Objective HOU DS 6: Layout and Density

(a) Road layout in housing areas shall be designed in accordance with “Recommendations for Site Development Works for Housing Areas” (DoELG, 1998) or any subsequent update, and parking shall be provided in accordance with development plan standards.

(b) Generally, density should reflect the existing and traditional character of the settlement. In line with the “Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities” (DoEHLG, 2008) or any subsequent update, higher densities shall be permitted in urban and town centres, particularly in areas with close proximity to rail lines and other modes of public transport. In all other cases, the density of developments will be assessed on a site by site basis....

(c) Layouts should reflect the existing town or village character. In the case of proposed developments that have a street frontage, the developer may be required to build houses in accordance with the existing building line in order to retain the built fabric of the settlement and reinforce its physical structure. Similarly, where the structure of the settlement requires it, courtyard type developments may be appropriate....

(d) In the design of proposed developments, consideration shall be given to the provision of access to adjacent lands and the overall traffic layout of the area.

Objective HOU DS 7: Public Open Space

(a) The developer will normally be required to reserve 15% public open space in association with new developments (this requirement may be relaxed in conjunction with areas of higher density as outlined above) and/or may be required to contribute (either financially or with land) towards the assembly of a larger public park for the benefit of the settlement as a whole.

(b) In exceptional cases in smaller developments (eight houses or less), hard or soft landscaped play lots of a minimum size of 0.1 ha may be provided in lieu of public open space.

(c) (h) The above requirements may be relaxed in certain instances, for example in developments consisting of Sheltered Housing or OPDs.

Section 5.1 Transportation

- **Objective PKG 7:** Cycle Parking will normally be required in development schemes and the Council shall promote and encourage the provision of cycle spaces in public car-parks and appropriate locations in towns and villages throughout the County. Where appropriate, cycle spaces shall be provided in prominent and secure locations convenient to building entrances.
- **Objective PKG 10:** Parking provision shall normally be provided in accordance with the standards outlined in the table entitled 'Parking Standards'.
- **Table 5.3 Car Parking Standards.** Houses have a stated requirement of 2 spaces per dwelling, while apartments have a stated requirement of 1.25-2 spaces per unit.
- **Objective PKG 12:** It is the policy of the council to support the Government's Electric Transport Programme by facilitating the roll-out of charging infrastructure for electric vehicles.
- **Chapter 6 Objective CHAR 1:** It is the policy of the Council that areas of vacant, derelict and under-used land within existing built-up areas (Brownfield sites) should be brought into productive use, as an alternative to the use of Greenfield sites which inevitably involves some loss of natural resources.

Flood Risk: The southern section of the site, comprising Public Open Space A is designated 'Indicative Flood Risk Zone B' where the probability of flooding is designated 'moderate'. The remainder of the site is located outside Flood Risk Zone A and B, as indicated on the Aughnacliffe Zoning and Flood Map.

5.2. National Guidelines

National Planning Framework Ireland 2040

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)

Urban Design Manual - A Best Practice Guide (2009)

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)

Design Manual for Urban Roads and Streets (2019)

5.3. **Natural Heritage Designations**

The site is located 18 km to the north-east of the Ballykenny-Fisherstown Bog SPA (Site Code: 004101) and Lough Forbes Complex SAC (Site Code: 001818).

5.4. **EIA Screening**

Notwithstanding the proximity of the proposed development to the Aughnacliffe Stream, having regard to the nature and scale of the proposed development on zoned and serviced land, 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**

6.1.1. A third-party appeal was received from Colmcille Residents Association, c/o Paul Kennedy of Cunnareen, Aughnacliffe, against the decision made by the Planning Authority to grant permission for the proposed development. The main grounds of appeal can be summarised under the headings below;

6.1.2. **Planning History**

- The development granted permission under P.A. Ref.'s 04/1061 and 05/302 resulted in the creation of an unfinished housing estate which has adversely impacted on the character and visual amenity of Aughnacliffe village. The appellants are opposed to this scenario happening again.

6.1.3. **Social Housing**

- The developers indicated at a public meeting on the 23rd April 2019 that Longford County Council intended to buy all the proposed dwellings when completed.

- Currently, Longford County Council has the highest proportion of new social housing developments in the country.
- No proof has been given of the need to build more social housing units.
- There are currently 14 houses for sale in the Aughnaccliffe area including 6 no. houses for sale in the Forthill estate.
- The Residents Association suggest that the proposed development, if permitted, should ensure 60% of the houses are for sale to the general public, 20% are designated affordable housing and the remaining 20% designated social housing.

6.1.4. **Footpaths and Public Lighting**

- The village of Aughnaccliffe requires improvements in its infrastructure, principally its footpaths and public lighting before any development is permitted.
- There are numerous areas in the village where there are no footpaths, which creates a hazard for pedestrians trying to get around.
- The public lighting in the village is very old, of poor quality and in need of upgrading.

6.1.5. **Drainage**

- Sewage problems arise in heavy rain conditions due to high levels of infiltration in the sewer network from the Forthill estate, which overwhelms the pumping station and causes the sewer to discharge at the entrance to the estate.
- The Appellants question if the existing pump station is capable of serving the proposed development.
- The area of public open space would be built on top of the old wastewater treatment plant. There are still parts of this plant on the site including underground tanks and sand polishing filters.
- The onsite wastewater treatment plant should be removed in accordance with EPA Guidelines.
- The size and location of proposed attenuation tanks have not been shown on drawings submitted.
- The Appellants question if petrol interceptors are to be installed before discharge to the river, which has a trout spawning area upstream.

- Placing a playground on top of contaminated ground is very poor design.

6.1.6. **Layout and Design**

- The layout of the proposed development does not comply with Part M of the Building Regulations.
- The existing access ramp at the northern end of the site does not comply with Part M of the Building Regulations, is steep, excessive in length, has water soaking onto it from the surrounding area and leaves its surface in an extremely dangerous condition.
- The proposal does not make any provision for disabled or mobility impaired people.

6.1.7. **Japanese Knotweed**

- Japanese Knotweed has been observed at the location of proposed house No.'s 18-25.
- The Residents Association express concern the Japanese Knotweed may spread.
- The treatment or removal of any Japanese Knotweed should be done in accordance with the 'Code of practice for the management of Japanese Knotweed'.

A series of photographs is submitted illustrating the issues raised above.

6.2. **Applicant's Response**

6.2.1. The response received from Quaine Architectural Design Consultants, representing the Applicant, is summarised as follows;

- The proposed development is in accordance with the zoning objective of the Longford County Development Plan 2015 – 2021, Regional Planning Guidelines and the National Planning Framework, which seek to utilise brownfield sites within existing built-up areas.
- The proposal would reduce significantly the number of houses previously permitted.

- The proposed development would allow for the completion of Forthill estate, providing landscaped public open space with a new play area, community walkway links and access along the river for fishing.
- The proposal would significantly improve the areas of public open space which were left incomplete by the previous developer.
- The proposal would improve the estate and enhance the village when complete.
- The proposed 28 no. houses would serve the need for housing in Aughnacliffe village and surrounding area.
- The applicant did not state at the meeting held with the Colmcille Residence Committee that the site would be used as a social housing scheme by the Local Authority.
- Irish Water raised no issues regarding the capacity of the pumping station and sewerage system that would serve the proposed development.
- All existing sewer lines have been taken in charge to the satisfaction of the Local Authority. No issue has been raised regarding overflow of the sewerage network or pumping station in Aughnacliffe.
- Since the installation of a new waste-water treatment system at Aughnacliffe, it is proposed under the current application to remove the old treatment plant. This will be removed in accordance with EPA Guidelines.
- All drainage works including surface water attenuation and petrol interceptors shall be carried out in accordance with “Storm Water Management Policy Technical Requirements”, in accordance with Condition No. 12 of the grant of permission.
- With regards access to the village, the provision of footpaths at the northern end of the site is already in place.
- An inspection of the site found only 4 stems of Japanese Knotweed at the north-eastern corner of the site. It is proposed to implement the recommendations of the Local Authority and to engage the services of specialist ecological consultants to supervise the management and treatment of Knotweed, prior to commencement of any works on site.

Appendices lodged with the applicant’s response include the following;

- Treatment Management Plan for Japanese Knotweed on the site.
- Correspondence from the Local Authority confirming the condition of the sewer network serving Forthill estate (dated 31st January 2020).
- Correspondence from Irish Water detailing its wastewater discharge certification of authorisation application from the EPA.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Further Responses**

- 6.4.1. Further to the applicant's submission, the appellants submitted a response, elaborating on the issues raised in their grounds of appeal. No new material issues arise.

7.0 **Assessment**

The main issues in the Grounds of Appeal are addressed under the following headings;

- Planning History and Zoning
- Social Housing
- Footpaths and Public Lighting
- Drainage
- Japanese Knotweed
- Layout and Design

These are addressed under the headings below.

7.1. Planning History and Zoning

7.1.1. The appellants object to the proposed development on the grounds that the development granted permission under P.A. Ref.'s 04/1061 and 05/302 resulted in the creation of an unfinished housing estate, which has had an adverse impact on the character and visual amenity of Aughnacliffe village. The applicant contests this, stating that the completion of the Forthill housing estate would significantly improve the Forthill estate and enhance the village when completed.

7.1.2. The site is zoned 'Site Resolution Objective' which seeks 'To provide a mix of uses for the sustainable regeneration of the area'. Requirements under this zoning objective are set out in Section 5.1 above. It is my view that the proposed development complies with the zoning objective requirements by reason of the following;

- The proposal provides for the completion of the unfinished Forthill housing estate.
- The scale and design of the proposed 28 no. dwellings is broadly in line with the scale and design of housing within the existing Forthill estate.
- The proposal provides a range of house types which would meet the housing needs of family's, older people and people with disabilities.
- The proposal provides active and passive recreation and amenity space within the 2 no. areas of public open space.
- The proposal provides a phasing scheme to complete all works at Forthill estate.

7.1.3. Aughnacliffe is designated a Tier 5 'Serviced Settlement' in the Development Plan's Settlement Strategy. I consider that the proposed development which provides for the construction of 28 no. houses provides an appropriate scale of residential development in this serviced settlement. Such housing would contribute to meeting the future housing needs and projected population growth for the County, as set out in the Development Plans Core Strategy.

7.1.4. The provision of such housing on this brownfield site, within a village serviced settlement, would be in accordance with Objective CHAR 1 of the Development Plan whereby it is the policy of the Council that areas of vacant, derelict and under-used land within existing built-up areas (brownfield sites) be brought into productive use. Furthermore, such development would be in accordance with National Policy Objective 3a of the National Planning Framework which seeks to deliver at least 40%

of all new homes nationally, within the built-up footprint of existing settlements. It is my view that the proposed development at this location would enable the sustainable growth of Aughnacliffe village, contribute to the viability of services, shops and public transport and increase housing supply in the village. On this basis, I recommend that the appeal should not be upheld in relation to this issue.

7.2. Social Housing

- 7.2.1. The appellants express concern that the proposed development, when completed, would be purchased by Longford County Council and used for the provision of social housing. Such concerns arose out of a meeting held with the applicant. The applicant contests this, stating that at no point during this meeting did the applicant say that the site was approved by the Local Authority as a social housing scheme.
- 7.2.2. I have no evidence before me to demonstrate that the proposed development when completed would be used in its entirety as social housing by the Council. Condition No. 14 of the grant of permission requires that prior to commencement of development the applicant, under Section 96 of Part V of the Planning and Development Act 2000 (as amended), shall enter into an agreement with the Planning Authority in relation to the provision of social and affordable housing. Such Condition is a requirement under Part V of the Planning and Development Act 2000 (as amended). As provided for under Section 94 of the Act, not more than the 10% of residential zoned land shall be used for the provision of social housing. Local Authority works for the provision of housing is provided for under Part 8 of the Planning and Development Regulations 2001 (as amended). The proposed development does not constitute such development. As such, I recommend that this ground of appeal should not be upheld.

7.3. Footpaths and Street Lighting

- 7.3.1. The appellants object to the proposed development on the grounds that the infrastructure within the Aughnacliffe village is substandard, in particular it's footpaths and public lighting.
- 7.3.2. As detailed above, Aughnacliffe is designated a Tier 5 'Serviced Settlement' in the Development Plan's Settlement Strategy. Section 2.1.6.4 of the Development Plan

states that each serviced settlement “has the necessary infrastructure capacity available to act as local growth settlements”. It is outside the remit of this planning application to assess the adequacy of infrastructure within the village of Aughnacliffe. I noted during site inspection that the Forthill estate is linked to the village by way of a pedestrian footpath along the western side of the main road and along the northern boundary of the site. Adequate public street lighting is provided along both footpaths.

- 7.3.3. Within the site itself, the proposed development provides footpaths of adequate width along the internal access road, with pedestrian crossings provided in key locations. The Lighting Plan submitted details the provision of adequate street lighting along these footpaths, which will be designed and undertaken by a specialist in accordance with E.S. B. specifications. It is my view that the footpaths and public lighting within the site and along the site boundaries linking the site to village, are satisfactory.
- 7.3.4. The appellant expresses concern that the existing access ramp at the northern end of the site does not comply with Part M of the Building Regulations, is steep, excessive in length, has water soaking onto it from the surrounding area which leaves its surface in an extremely dangerous condition. This pedestrian ramp does not form part of the subject application and is outside the application site as outlined in red. Compliance with the Building Regulations are outside the scope of Planning and Development legislation and the management and safety of this ramp is the responsibility of the Council, which has taken in charge this ramp.
- 7.3.5. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.4. Drainage

- 7.4.1. The appellants express concern that the existing pumping station and sewer network does not have the capacity to serve the proposed development. The appellants also express that the proposed playground would be built on top of contaminated lands i.e. over the old wastewater treatment plant. The appellants also query if a petrol interceptor is to be installed before discharge to the river, which has a trout spawning area upstream.
- 7.4.2. In response to the Grounds of Appeal, the applicant has submitted correspondence from the Council's Area Engineer (dated 31st January 2020) confirming the following;

- An initial CCTV Survey and associated report of both the foul and storm sewer lines for the entire estate was carried out in 2014 which identified all defects requiring repair works.
- All such repair works were carried out in 2015 including any infiltration issues of which there were a small number and a second CCTV Survey of all repairs was carried out.
- The second CCTV Survey and report showed all defects had been repaired to the satisfaction of the Council and that there were no more infiltration issues.
- All foul and storm sewer manholes were benched satisfactorily with the required steps and manhole lids to EN124D400 fitted.
- Both sewer networks are in very good condition and the storm sewer network has been taken in charge by Longford County Council and subsequently by Irish Water.

7.4.3. In consideration of the surveys carried out by the Council and confirmation by the Council's Area Engineer that the foul and surface water network is in very good condition, I am satisfied that the drainage network has the capacity for the proposed development.

7.4.4. The applicant has submitted a copy of Irish Water's Wastewater Discharge Certificate Authorisation Application for the wastewater treatment plant serving the agglomeration of Aughnacliffe, issued by the EPA. I note that Irish Water outline no objections to the proposed development subject to standard Conditions.

7.4.5. Documentation submitted details that all drainage work including surface water attenuation and petrol interceptors shall be carried out in accordance with 'Storm Water Management Policy Technical Guidelines' prior to commencement.

7.4.6. The existing wastewater treatment plant has been decommissioned by the Local Authority. As part of the subject application, the applicant has agreed to remove the old treatment plant and sand filter under the supervision of consultant engineers and in accordance with a site specific Closure, Restoration and Aftercare Management Plan (CRAMP) in accordance with EPA guidelines. Such agreement should be imposed by way of Condition to ensure a satisfactory closure and restoration of the lands of the decommissioned wastewater treatment plant.

7.4.7. In consideration of the above, I recommend that the appeal should not be upheld in relation to this ground of appeal.

7.5. **Japanese Knotweed**

7.5.1. The appellants express concern that Japanese Knotweed observed at the northern end of the site, at the location of proposed house No.'s 18-25 may spread. In response to this, the applicant states that an inspection of the site with the Local Authority found only 4 stems of Japanese Knotweed. In order to prevent the possible spread of the plant, the applicant proposes to implement the recommendations of the Local Authority and to engage the services of specialist ecological consultants to supervise the works and management and treatment of Knotweed, prior to commencement of any works on site. I consider that this issue can be dealt with by way of Condition.

7.6. **Layout and Design**

7.6.1. The Planning Authority concluded that the overall design of the proposed development is acceptable, providing a well-designed layout with a variety of houses types and adequate open space. Having reviewed the drawings and documents submitted, I concur with the Planning Authority and consider that the layout, scale, form and design of the proposed development would be in keeping with the existing residential development within the Forthill estate. Such development is in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DECLG 2009) which state that the scale of new residential schemes in small towns and villages should be in proportion to the pattern and grain of existing development.

7.6.2. The proposal provides a variety of house type, design and accommodation to suit families/persons of varying size and needs. The applicant proposes that the house no.'s 18-23 would serve older persons. These dwellings have rear gardens with depths of 6-8m. Given that these dwellings are single storey in nature and would serve older persons, I consider this acceptable in this instance. The layout of the proposed dwellings would not impact on the visual or residential amenity of existing dwellings or each other.

- 7.6.3. The proposal provides two areas of high quality public open space which include walkways, a children's play area and sports play area, a fishing platform along the river edge (with 1.2m high timber and green mesh fencing along the river edge), a waterfall trail and tree planting and landscaping. The quantum of public open space at 1,100 sq.m. provides complies with Development Plan standards (i.e. 15% of the overall site).
- 7.6.4. The internal floor areas of the proposed dwellings comply with the minimum standards required in the Quality Housing for Sustainable Communities Guidelines (2007). Adequate car parking is provided for each dwelling.
- 7.6.5. I note that Condition No. 2 of the grant of permission by Planning Authority requires the applicant to submit for agreement revised drawings detailing a) the redesign of each house to show a minimum 500m projection to their front elevation (to reduce their two-dimensional appearance) and b) redesign House Type B1, B2, B3 and B4 to show 5 no. equally sized vertical windows per dwelling – 3 of the windows serving the living area and 2 of the windows serving the front bedroom. Given that gable elements are provided to the front elevation of each dwelling, I do not consider it necessary to provide 500m projections to these dwellings. I consider that the window ope design treatment of House Type B1, B2, B3 and B4 is acceptable.
- 7.6.6. The proposed dwellings are not located in or in the vicinity of Flood Zones A and B, as indicated on the Aughnacliffe Zoning and Flood Map.

7.7. Screening for Appropriate Assessment

- 7.8. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that 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 conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the provisions of the Longford County Development Plan 2015-2021, the planning history and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health and would be acceptable in terms of 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of September 2019 and the 18th day of November 2019 by the further plans and particulars received by An Bord Pleanála on the 14th day of January 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. Roof colours shall be blue-black or dark grey only, including ridge tiles.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The internal road network serving the proposed development, including turning areas, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>Prior to the commencement of development proposals for an estate/street name, and house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
6.	<p>The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.</p> <p>Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and</p>

	<p>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 and dust management measures, measures to prevent pollution to local watercourses, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of clarity, orderly development and amenity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables crossing or bounding the site shall be undergrounded as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>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.</p> <p>Reason: In the interest of public health.</p>
11.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
12.	<p>Prior to commencement of development the developer shall submit for the written agreement of the Planning Authority a detailed Landscape Plan with full works specification. This plan to include detailed</p>

	<p>specifications relating to paths, playground equipment, fishing platform, sports play equipment and area, landscaping features, street furniture, bike parking, drainage, boundary treatment, planting, hard surfaces and street trees planting where necessary. Details regarding the type, size, location and number of plants proposed should be clearly indicated on a Planting Plan to accompany the Landscape Master Plan.</p> <p>Reason: In the interest of residential and visual amenity.</p>
13.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation</p>
14.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interests of residential amenity and proper waste management.</p>
15.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the 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</p>

	<p>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.</p> <p>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.</p>
16.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority the following;</p> <p>(a) Proposals for site boundary treatments. Plans and particulars shall show full details of the specific locations and extent of proposed walling/railings and shall include the provision of durable materials, with walls suitably capped and rendered.</p> <p>(b) Proposals for boundary treatments around dwellings including retaining walls.</p> <p>Reason: In the interest of visual amenity.</p>
17.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority a detailed scheme for the eradication and/or control of Japanese Knotweed on the site. The agreed scheme shall be implemented prior to the commencement of any development.</p> <p>Reason: To avoid the spread of a problematic invasive alien species.</p>
18.	<p>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.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
19.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
20.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Brendan Coyne
Planning Inspector

27th May 2020