



An
Bord
Pleanála

Inspector's Report ABP-307216-20.

Development

Permission to construct a two-storey dwelling, storey and half domestic garage, new entrance with gates and piers together with a waste treatment system and all associated site works.

Location

Tiravray Td, Castleshane, Co. Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

19518.

Applicants

Jack Lee and Sinead Traynor.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellant

Transport Infrastructure Ireland.

Observer(s)

None.

Date of Site Inspection

6th day of August, 2020.

Inspector

P.M. Young.

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1.0 Site Location and Description

- 1.1. This appeal site has a stated 0.9ha area and it is located on the eastern side of a heavily trafficked, restricted in width, poorly surfaced local road, that also has meandering horizontal and vertical alignment, in the Townland of Tiravray, c0.8km from the village of Castleshane (and the N2 national road); and, c6.5km to the east of Monaghan Town, both as the bird would fly, in the open countryside of County Monaghan.
- 1.2. The main area of the site consists of the central area of a larger agricultural field. It is not demarcated to the north and south, with its roadside boundary not benefitting from any existing entrance onto the public road network. The larger field that it forms part of is heavily undulating in its nature. With the land within the site area sloping away from the roadside boundary quite significantly, i.e. by c10m, towards its easternmost boundary which aligns with the Cor River.
- 1.3. In addition, the land also slopes significantly downwards towards the southern most boundary of the field it forms part of and less so towards the northernmost boundary where the larger parcel of land it forms part of adjoins a modest single storey cottage.
- 1.4. The land on the opposite side of the local road rises significantly towards a high ridge point.
- 1.5. The lower portions of the site were heavy under foot with reeds evident.
- 1.6. The site benefits from extensive views to the east, north east and south east.
- 1.7. The surrounding area has a strong rural character.

2.0 Proposed Development

- 2.1. Planning permission to construct a two-storey dwelling, storey and half domestic garage, new entrance with gates and piers together with a waste treatment system and all associated site works.
- 2.2. According to the planning application form the gross floor space of the proposed works is 502m². This application also indicates that the dwelling would be served by a new well and as stated above a proprietary wastewater system.
- 2.3. This application is accompanied by:

- A Design Statement.
- Site Characterisation Form.
- A Water Protection Plan Checklist.
- A letter of consent from the owner of the land to make the application.

2.3.1. On the 10th day of March, 2020, the applicant submitted their response to the Planning Authority's **further information** request. This response consisted of:

- A Site Layout Plan showing a revised siting of the dwelling, amended landscaping and contouring treatment of the site's ground levels.
- A Supporting Statement to justify the maintenance of the dwelling's overall design.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. Planning permission was **granted** subject to seven conditions:

Condition No. 1: Financial contribution.

Condition No. 2: Hedgerows and Landscaping.

Condition No. 3: Sightline requirements, roads, surface water drainage and the like.

Condition No. 4: Ground and Finished Floor Levels.

Condition No. 5: Drainage.

Condition No. 6: Restriction of use of garage.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The **Final Planning Officer's report** is the basis of the Planning Authority's decision and it considered that the applicant's further information satisfactorily addressed the items within the further information request. This report concludes with a recommendation to grant permission subject to conditions.

The **Initial Planning Officer's report** concluded with a request for further information in relation to the following:

Item No. 1: Raised concerns in relation to the design of the proposed dwelling.

Item No. 2: Raised concerns in relation to the siting of the dwelling.

Item No. 3: This requests the applicant to have regard to Policy RHP 1 and Table 15.4 of the Development Plan.

3.2.2. **Other Technical Reports**

Environmental Health: No objection subject to safeguards.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: I consider that the concerns raised correlate with those raised by them in their grounds of appeal submission to the Board.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Site and Immediate Setting**

4.1.1. No recent and/or relevant planning history relating to this site and its setting.

4.2. **Other**

4.2.1. The appellant and the 1st party in their submissions refers to a grant of planning permission P.A. Ref. No. 19/300. I note that this relates to an application for a dormer dwelling, detached garage, septic tank, percolation area, entrance and all associated site works in the Townland of Aghaboy, Co. Monaghan.

5.0 Policy & Context

5.1. National Planning Provisions

- **Project Ireland 2040 - National Planning Framework, 2018.**

Section 5.8 of this document states: “*encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities.*”

- **Rural Housing Guidelines for Planning Authorities, 2005.**

The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Local Planning Provisions

- 5.2.1. The applicable Development Plan is the Monaghan County Development Plan, 2019-2025, under which the site is situated outside of any settlement on un-zoned land that Map 2.1 which is titled ‘Core Strategy Map’ defines as ‘remaining rural areas’.
- 5.2.2. Section 2.8.2 of the Development Plan indicates that such lands, which are also referred to as ‘Category 2’ lands, comprise of: “*all other rural areas outside of the settlements and the rural areas under strong urban influence*”. In such areas it considers it appropriate to facilitate rural housing in accordance with the principles of proper planning and sustainable development. It also recognises the challenges to retaining population, supporting the rural economy whilst at the same time seeking to consolidate the existing village network. This is reiterated in ‘Rural Settlement Objective’ RSO 4.
- 5.2.3. Policy RSP 3 of the Development Plan states that the Planning Authority shall seek: “*to facilitate rural housing in the remaining rural areas subject to the relevant planning policies as set out in Development Management Chapter*”.

- 5.2.4. Section 15.16 of the Development Plan indicates that it is vital that any new buildings being proposed do not further erode the rural character of rural areas.
- 5.2.5. Policy RCP 1 of the Development Plan states that the Planning Authority shall seek: *“to only grant planning permission for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area. Any new buildings will be unacceptable where:*
- *It is unduly prominent in the landscape.*
 - *It results in build up of development when viewed with existing and/or approved buildings and where it would detrimentally impact on the rural character of the area.*
 - *It does not respect the traditional pattern of settlement within the area.*
 - *It creates or adds to a ribbon of development except where it is considered infill or a replacement building.*
 - *The impact of the ancillary works including the creation of visibility splays would damage the rural character of the area”.*
- 5.2.6. Section 15.17 of the Development Plan deals with the matter of housing in the rural area and it indicates that careful consideration is required to ensure that it integrates successfully into the landscape.
- 5.2.7. Table 15.4 of the Development Plan sets out the design guide for housing in rural areas within the county. Of note to the dwelling sought under this application on the matter of scale it indicates that: *“the scale of the building must be appropriate to its setting”*; that: *“a large house may require a large well screened site to enable effective integration into its surroundings”*; and, that: *“larger houses should be sub-divided into smaller elements of traditional form to avoid bulky structures”*.
- 5.2.8. Policy RHP 1 of the Development Plan states that: *“applications for one-off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 “Design Guidelines for Rural Housing”*”.
- 5.2.9. Policy RDP 18 of the Development Plan sets out the policy for domestic garages, stores, and outbuildings.

5.3. **Natural Heritage Designations**

5.3.1. None within a 15km radius of the appeal site.

5.4. **EIA Screening**

5.4.1. Having regard to the nature, scale and extent of the proposed development, the fact that the site is not in nor does it adjoin any Natura 2000 site, the absence of any connectivity to any sensitive location due to the lateral separation between the site and the nearest Natura 2000 site, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development and the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.5. **Built Heritage**

5.5.1. The western boundary of the site is within 0.2km of Recorded Monument (MO00221 – Rath located on the summit of a North South axis drumlin ridge).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- The site is within the Constraints Study Area for the N2 Clontibret to Border national road scheme.
- In Table 7.2 of the Development Plan the national road scheme is identified as a strategic national road proposal for the county.
- The N2 Clontibret to Border Scheme is included as a scheme to be progressed through pre-appraisal and early planning in the National Development Plan, 2018 to 2027.
- National Planning Framework including in the context of ‘Accessibility to the North-West’ includes National Strategic Outcome No. 2 of the NDP.
- The grant of permission for this development is at variance with the provisions of official policy.

- The N2, national primary road, between Ardee and the Northern Ireland Border is part of the EU TEN-T Comprehensive Network and is an important route in the northern region, including international connectivity to Northern Ireland, providing on-ward connection to the north west of Ireland. It also provides an important access for goods to market via strategic port and airport locations within the Region.
- Reference is made to past and current invest in improvement to the N2 as well as the significant Government commitment to improve accessibility to the north-west and Northern Ireland as outlined in the National Planning Framework, for example under National Strategic Outcome No. 2 and Chapter 8 'Working with Our Neighbours'.
- Monaghan County Council is actively progressing the National Road Scheme and the route corridor options consultation phase commenced in October 2019.
- The grant of permission is premature pending the finalisation of route selection for the N2 Clontibret to Border Scheme which is under consideration by the Council.
- The proposed development due to its location is extremely likely to hinder development of this nationally important scheme due to its location in Option F: Green Corridor.
- National Strategic Outcome No. 2 of the National Planning Framework addresses 'enhanced regional accessibility' and includes the objective to maintain the strategic capacity and safety of the national roads network including planning for future enhancements. It also outlines proposals for up-grading access to the north-west border area utilising existing routes including the N2.
- Planning for new roads typically involves identification and evaluation of a number of route options taking account of environmental, engineering, traffic, and cost factors. Time is required to complete this process and to identify preferred route options.
- To grant permission for a proposed dwelling within the N2 Clontibret to Border Scheme Constraints Study Area is inconsistent with the provisions of the Development Plan, in particular, Transport Policy TP 4 and National Roads Policy

NRP 7. This policy was adopted by way of Variation No. 1 to the Development Plan in January, 2020.

- National Roads Policy NRP 7 is referred to. This prohibits development that could prejudice the schemes future delivery.
- Objective RPO 6 of the Regional Spatial and Economic Strategy for Northern and Western Region includes Objective RPO 6. This objective commits to progressing schemes through pre-appraisal and early planning stages through to delivery within the lifetime of RSES.
- A grant of permission for the proposed development has the potential to establish an undesirable precedent.
- The Planning Authority's Planning Officers report fails to contain an assessment of the potential impact of the proposed development on the delivery of the National Development Plan objective and Development Plan objective relating to the N2 Clontibret to Border national road scheme.

6.2. Applicant's Response

6.2.1. The applicant's response can be summarised as follows:

- Concern is raised that the additional information requested by the Planning Authority made no reference to the concerns raised by the appellant in their submission to them.
- It is contended that National and Local Planning Provisions are designed to protect the preferred route when selected and the same protections are not extended to the Constraint Study Area encompassing all potential route corridors involved in the current reassessment.
- The decision of the Planning Authority is considered appropriate in this case and in these circumstances.
- The restriction of permitting any planning application within the Constraints Study Area or within one of six potential routes renders much of north County Monaghan unsuitable for development is not considered to be reasonable.
- This site is not located within the selected route.

- Concern is raised that the appellant is effectively deeming land within a large Constraint Study Area as being sterile for development.
- Reference is made to P.A. Ref. No. 19/300, a previous planning application determined by the Planning Authority.
- The proposed development meets all relevant planning provisions.
- It is requested that the Planning Authority's decision be upheld.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The site is located within an area designated 'remaining rural area' as set out in the Core Strategy of the Monaghan County Development Plan, 2019 to 2025, and is not in a rural area under strong urban influence. In such areas it is deemed appropriate to facilitate rural housing subject to safeguards.
- Jacobs Engineering Ireland Limited has been appointed as design consultants for the N2 Clontibret to Border Scheme and as such they will advance the planning as well as design for this road scheme over the coming years.
- Reference is made to local planning provisions in the assessment of this application. It is not considered that this development conflict with any local planning provisions set out in the Development Plan.

7.0 Assessment

7.1. The main issue that arises in this appeal case, in my opinion, relates to the concerns raised by the appellant in relation to the grant of planning permission for a detached dwelling house on land located in Option F: Green Corridor of the N2 Clontibret to Border Scheme and that to permit such a development at such a location would not be contrary to national and local planning provisions but, if granted, would set an undesirable precedent for other similar developments that could prejudice the realisation of this scheme and would also be premature pending the finalisation of the design and route of this national roads project.

- 7.2. I am cognisant that the National Planning Framework under National Strategic Outcome No. 2 includes ensuring enhanced regional accessibility alongside future capacity enhancements and the N2 Clontibret to Border Scheme is included in the National Development Plan, 2018 to 2027, with Phase 2 of the consultation phase commencing in October, 2019.
- 7.3. The importance of enhanced regional accessibility alongside strengthening and creating seamless border links is acknowledged in the current County Development Plan. With Section 2.3.2 of the Development Plan highlighting that the upgrade of the N2 with the A5 in Northern Ireland and Section 7.1 of the Development Plan having regard specifically to National Planning Framework and its reference to the N2/A5 (Clontibret to Tyrone/NI border) roads project stating that: *“it is considered that this route should be prioritised given its strategic importance and the lack of any direct rail infrastructure serving significant urban areas in the northwest along the route of the N2/A5”*.
- 7.4. Whilst I acknowledge that the green corridor route differs to the N2/A5 Upgrade route depicted under Section 7 of the Development Plan, notwithstanding, Transport Policy TP 4 of the Development Plan states that the Planning Authority shall seek: *“to plan for future traffic and transportation needs in County Monaghan and to ensure that new development does not prejudice the expansion of road and cycling corridors in the County. Proposed road routes, road alignment schemes and future cycle route corridors shall be kept free from development that would compromise their future delivery”*.
- 7.5. I therefore consider it would be premature to grant permission for a dwelling house along this identified route for the future N2 to link with the A5 upgrade and it would also result in an undesirable precedent for other similar developments along corridors of land that are being considered for the provision of enhanced road links that would serve the public good, would improve the carrying capacity and safety over and above the existing N2 situation, i.e. a road that is not designed to cater for the significantly high volumes and wide array of road user type it accommodates, and it would be part of a strategically important roads infrastructure that not just provides connectivity by way of road between settlements both in Ireland and in Northern Ireland but also plays an important economic function in the movement of goods between strategic transportation hubs including, air, sea and rail both in Ireland and in Northern Ireland.

- 7.6. I consider that safeguarding the constraint study area and in turn identified corridors like Option F: Green Corridor is crucial for the successful delivery of an upgraded N2 route that not just extends from Clontibret to the border with Northern Ireland but also the strategic nature of this road at a European level with the section of the N2 from Ardee northwards forming part of EU-TEN-T comprehensive network. As such the N2 is a strategically important route for connectivity for people, places and goods within Ireland and Northern Ireland. Its planned upgrade will enhance local, regional, national, and international accessibility as well as connectivity alongside improving its capacity and safety.
- 7.7. Based on the foregoing to permit the proposed development would be contrary to the current Development Plans provisions, in particular Transport Policy TP 4, which seeks: *“to plan for future traffic and transportation needs in County Monaghan and to ensure that new development does not prejudice the expansion of road and cycling corridors in the County. Proposed road routes, road realignment schemes and future cycle route corridors shall be kept free from development that would compromise their future delivery”* and National Roads Policy NRP 4, which seeks: *“any development with the potential to impact on the carrying capacity and/or safety of any national primary or national secondary road shall include proposals to avoid, remedy or mitigate the impact on the national road network”*.
- 7.8. Moreover, to permit the proposed development would be contrary to National Strategic Outcome 2 as set out in the Project Ireland 2040 – National Planning Framework, 2018, which seeks to build enhanced regional accessibility including, accessibility to the North-West of Ireland, with this including the upgrading of access to the North-West border area utilising existing routes including the N2. These are substantive reasons in their own right to warrant a refusal of planning permission for the development sought under this application and they significantly outweigh the applicants desire for a dwelling in the rural countryside, a development which has not been demonstrated as being site specific for this rural locality.
- 7.9. Furthermore, by way of refusing permission for the development sought this does not sterilise this land as the land is in existing agricultural use and in time when this national roads project is finalised there may be potential for land within the identified constraint study area, including Option F: Green Corridor to accommodate a one-off rural dwelling subject to all other safeguards being satisfied.

7.10. Other Matters Arising

7.10.1. **Principle of the Proposed Dwelling Design:** I raise concerns that the proposed dwelling fails to adhere fully with Policy RHP 1 of the Development Plan states that: *“applications for one-off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 “Design Guidelines for Rural Housing”*”; and, that this was a concern raised by the Planning Authority as part of their further information response whereby the applicant decided no amendment to the dwellings design but rather setback the dwelling further east from the roadside boundary and included more robust planting to the west of the dwelling.

As the proposed dwelling house would occupy a very prominent position in the landscape, i.e. with it being sited on a high point in the landscape with expansive views available of it for land to the north-east, east, and south-west alongside the dwelling house would be highly visible from the local road serving it as one journeys in a northerly direction towards should the Board be minded to grant planning permission condition ensuring more robust planting to the north-east, east and south of the dwelling alongside a condition requiring prior agreement of all materials, finishes and treatments should be imposed.

The Board may consider this a new issue in their determination of this appeal case.

7.10.2. Residential Amenity Impact

I am satisfied that the proposed development would not give rise to any undue residential amenity impact for the residential property adjoining the northern boundary of the larger field in which the appeal site is situated due to the ample separation distance together with the visual screening that would be provided by the trees and boundary treatments proposed to the north and north west of where the dwelling house is sited.

7.10.3. **Drainage:** Having inspected the site and having read the Site Characterisation form, together with the large area of this site and the ability to meet the required separation distances proposed between the percolation area and the watercourse running along the eastern boundary of the site I concur with the Planning Authority in this case that the site is suitable for the proprietary wastewater treatment system proposed; that subject to normal safeguards it should not be prejudicial to public health and/or give

rise to any environmental pollution. I therefore raise no substantive concerns on this matter.

7.10.4. **New entrance onto Local Road:** Having inspected the site and walked the public road onto which a new entrance is proposed I am not convinced based on the information provided that the entrance design has been informed by an geo-survey of the road and that the sightlines would be sufficient to safely accommodate access and egress for the development sought. I observed that this local road is significantly deficient in horizontal and vertical alignment, it is of a restricted width with two vehicles not comfortably able to pass by one another, its surfacing is of a poor standard through to it was heavily trafficked by a wide variety of vehicle types with many vehicles travelling at excessive speeds. I am not satisfied that the applicant has demonstrated that adequate sightlines can be achieved onto this substandard road. The Board may consider this a new issue in the context of their determination of this appeal.

7.10.5. **Reference to Other Planning Applications for Similar Developments:** I have noted the planning application cases referred to in the submissions received by the Board but I consider that the Board is not bound by precedents set by the Planning Authority and that each planning application should be considered on its merits. In this case, like would be the case with other corridors of land that are identified for future infrastructure projects, upgrades and enhancements, the provision of development that has the potential to interfere with their optimum provision, must take primacy over individual desires to build a dwelling house outside of settlements or in the fringes of settlements where such development would be more readily and sustainably absorbed.

7.10.6. **Financial Contribution:** Should the Board be minded to grant permission for the development sought under this application it is a type of development that will require the imposition of a Section 48 financial contribution.

7.11. **Appropriate Assessment:**

7.11.1. Having regard to the nature of the receiving environment including the significant distance between the it and the nearest designated site which is in excess of 15km away, 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 planning permission be **refused**. The Board may consider the second reason and consideration for refusal a new issue.

9.0 Reasons and Considerations

1. The site of the proposed development lies on land that is identified as 'Option F: Green Corridor' N2 to Clontibret to Border Scheme which seeks an upgrade of the route, the road design through to layout of the N2 and its connection to A5 in Northern Ireland. Development of the kind proposed would be premature pending the determination of the final route, design, and layout for this strategic national road project. In addition the proposed development would be contrary to Transport Policy TP 4 of the Monaghan County Development Plan, 2019 to 2025, which seeks to ensure that new developments do not prejudice the expansion of road corridors within the County as well as seeks to ensure that such identified corridors are kept free from development that would compromise their future delivery; and, National Roads Policy NRP 4, of the Monaghan County Development Plan, 2019 to 2025, Variation No. 1 which seeks that any development with the potential to impact on the carrying capacity and/or safety of any national primary or national secondary road shall include proposals to avoid, remedy or mitigate the impact on the national road network. Further, the proposed development would be contrary to National Strategic Outcome 2 as set out in the Project Ireland 2040 – National Planning Framework, 2018, which seeks to build enhanced regional accessibility including, accessibility to the North-West of Ireland, with this including the upgrading access to the North-West border area utilising routes identified routes including the N2. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is located on a local road which is seriously substandard in terms of width, alignment, and surface. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Patricia-Marie Young
Planning Inspector

19th day of August, 2020.