



An  
Bord  
Pleanála

## Inspector's Report ABP 307880-20

---

<b>Development</b>	Construction of 37 dwelling houses.
<b>Location</b>	Dúnáras & Marian Terrace/Marian Villas, Ballymahon , Co Longford.
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	20/74
<b>Applicant</b>	Beacon Assets Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dúnáras Resident's Association Sean Clancy Matthew Daly
<b>Observer(s)</b>	Liam Madden
<b>Date of Site Inspection</b>	18 <sup>th</sup> November 2020
<b>Inspector</b>	Brendan Coyne

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	7
4.0 Planning History.....	12
5.0 Policy and Context.....	13
5.1. Development Plan.....	13
5.2. Natural Heritage Designations .....	15
5.3. EIA Screening .....	15
6.0 The Appeal .....	15
6.1. Grounds of Appeal .....	15
6.2. Applicant Response .....	20
6.3. Planning Authority Response .....	25
6.4. Observations.....	25
7.0 Assessment.....	25
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	33
10.0 Conditions .....	<b>Error! Bookmark not defined.</b>

## 1.0 Site Location and Description

- 1.1. The site has a stated area of 4.08 ha and is located within the local service town of Ballymahon in County Longford. The site comprises backlands located to the east of Main Street (N55), to the south-east of the Mostrim Road (N55) and to the north of the Ballymulvey Road (L-5218). The site is accessed from the Ballymulvey Road via an estate road serving 'Dúnáras' housing estate which comprises 24 no. houses. The estate road is located within the appeal site, along its eastern boundary. Twenty-two of the houses within Dúnáras front onto the estate access road, on lands adjoining the site to the east. These comprise a row of 2-storey semi-detached dwellings. A further 2 no. single storey detached dwellings within Dúnáras are located on the northern side of spur cul-de-sac leading off the estate road.
- 1.2. The site itself is irregular in shape and is currently fenced off from Dúnáras estate. The site has been subject to some site clearance works and floor slabs associated with 10 no. houses are located in the north-western section of the site. The site slopes gently, rising from 49m OD at the northern boundary to 51m OD at the south-western boundary. Lands adjoining the site to the north and north-east comprise an open agricultural field and lands to the north-west contain the Longford – Westmeath agricultural mart with associated sheds and pens. The site as outlined in red also contains the carriageway and footpaths serving Marian Terrace (also known as Marian Villas). Marian Terrace is a cul-de-sac with single storey and two storey dwellings on either side and a community hall (St. Christopher's) located at its end. A gated agricultural at the end of Marian Terrace provides access to the south-western section of the site. A row of mature trees and hedging traverse the south-western section of the site.
- 1.3. The Ballymulvey Road is subject to a 50km/hr speed limit. The road on approach from Main Street in Ballymahon is narrow with minimal grass verges and stretches of stone walling to its either side. A footpath is provided to the front of the site only along the Ballymulvey Road. The River Inny is located to the south of Ballymulvey Road and the River Antley is located further to the east of the site, on lands known as Daly's farmland.

## 2.0 Proposed Development

Permission sought for the construction of 37 no. dwellings comprising the following:

- 9 no. detached 2 storey 3-bedroom houses (Type A and Type B).
- 7 no. detached 1.5 storey 3-bedroom houses (Type C).
- Two blocks of 4 no. terrace houses (Type D and Type E) comprising;
  - 1 no. 2 storey 3-bedroom house
  - 3 no. 2 storey 2-bedroom houses
- 3 no. detached 2 storey 4-bedroom houses (Type F).
- 5 no. detached single storey 2-bedroom houses (Type G).
- 5 no. detached single storey 3-bedroom houses (Type H).
- Continuation of the existing estate road network.
- Connection to the existing foul sewer, surface water and watermain network currently serving the existing 'Dúnáras' housing estate.
- Construction of green open spaces and boundary fences/walls.
- Construction of a pedestrian footpath and 2-way cycle lane to link the existing internal footpath which serves Phase 1 of the 'Dúnáras' housing estate and the public road which serves Marian Terrace.
- Re-design of the junction of Marian Terrace and the Mostrim Road (N55).
- Upgrade of existing footpaths, car parking bays and carriageway that serves Marian Terrace so as to create a shared surface in accordance with the 'Design Manual for Urban Roads and Streets' (DMURS).
- Complete the pedestrian footpath, cycle lane and shared surface prior to the commencement of any of the proposed dwellings within the subject application.
- Construction of a 2.5m high capped & plastered wall which separates the site from the Longford / Westmeath Farmers Mart.
- Removal of the existing 10 no. ground floor slab foundations which serve the previously permitted 10 no. two storey 3 & 4 bedroom houses which are currently

constructed to ground floor finished floor level, which were granted planning permission by An Bord Pleanála under PL.14.212595.

- Construction of a parkland activity and recreational amenity area along the north-western boundary of the site.
- All ancillary site works at Dúnáras housing estate and Marian Terrace / Villas.

2.1.1. Documentation submitted with the application includes;

- Planning report and supplementary booklet of information prepared by Cunningham Design & Planning Consultants.
- Traffic and Transport Assessment prepared by ORS Consulting Engineers.
- Road Safety Audit prepared by ORS Consulting Engineers.
- Ecology report investigating invasive species and noxious weeds at 'Dúnáras'.
- Appropriate Assessment Screening Report (dated January 2020) prepared by Lorna Conway Environmental Consultant.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Longford County Council GRANTED permission for the proposed development subject to 25 no. Conditions. Noted Conditions include:

C.2 Prior to commencement, submit for agreement a revised site layout plan showing the following;

- a) Revisions to the 'Woodland Area' to the north of the site.
- b) Omit stacked parking within front driveways.
- c) Provide 1 no. electric vehicle EV point per residential unit.
- d) Improve the integration of the proposed raised junction with the pedestrian network on site.
- e) Relocate dwelling nos. 60 and 61 to the south-western boundary on lands assigned as open space and reduce the site size and house type of site no. 63.

- f) Resolve boundary treatment between house nos. 61 to 64, to omit splayed front fencing arrangement.
  - g) Omit palisade fencing throughout the site where proposed / retained and its replacement with a rendered and capped block wall.
  - h) Identify 4 no. dwellings throughout the site that can cater for improved residential accessibility and occupancy.
- C.3 No development shall take place prior to the completion of the pedestrian footpath and cycle track from the site to Marian Terrace, to the written agreement of the Planning Authority.
- C.4 Material and finishes to be used on the proposed dwellings.
- C. 5 Submit a Landscape Plan for the written agreement of the Planning Authority.
- C. 6 Submit for agreement, section drawings through each of the proposed house type and adjoining land with accurate levels.
- C. 7 Submit for agreement details of the make and model of all playground and exercise equipment.
- C. 8 The 10 no. existing house ground floor slabs shall be removed prior to the construction of the proposed playground and exercise area.
- C. 9 Road requirements regarding, inter alia, sightlines, conditions of the road safety audit be applied, footpath widths, dropped kerbs, tactile paving, combined footpath/cyclepaths, the layout of proposed works in Marian Terrace and associated costs, drainage requirements, road design compliance with DMURS, materials of the proposed raised table / ramp at the junction adjacent to house no. 17, turning areas, public lighting and provide a construction management plan.
- C.10 Submit for agreement, a signed statement from a suitably qualified and certified engineer that the proposed entrance onto the Ballymulvey Road complies with Irish road safety requirements.
- C. 11 Surface Water Drainage requirements.
- C. 12 Submit for agreement, foul drainage details in accordance with Irish Water standards.

- C.13 Submit revised proposals of the watermain network to eliminate loops at unit nos. 44, 50 and 52 and extending the loop past unit no. 61.
- C. 14 Irish Water requirements.
- C. 15 Requirements re. the disposal of waste materials, storage of materials on site, spillage of materials onto the public road network and on-site parking facilities during construction.
- C. 16 All rear gardens shall have a minimum length of 11 metres.
- C.17 Phasing requirements – 10 no. phases detailed.
- C.20 Estate naming and numbering requirements.
- C. 21 Part V housing requirements
- C. 24 Bond Requirement - €370,000 to secure the satisfactory completion and maintenance of the roads, footpaths, drains etc. until taken in charge by the Planning Authority.
- C. 25 Development Contribution requirements – €81,4000.

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

#### **3.2.1. Planning Report**

Basis for the Planning Authority's decision. Includes:

- The layout of the proposed development under the subject application is similar in nature to the development proposed and appealed previously under P.A. Ref. 18/200 / ABP Ref. 303006-18 and P.A. Ref. 17/195 and ABP Ref. 300578-18.
- The main difference is the incorporation of additional lands to the southwest of the site with the provision of an additional 5 no. houses and the provision of a pedestrian and cyclist access through the site linking with Marian Terrace.
- The principle of a residential scheme at this site has been established by the Planning Authority and An Bord Pleanála under P.A. Ref. 04/1297 and ABP Ref. PL14.212595 for the development of 91 houses and subsequent applications P.A. Ref. 17/195 & ABP Ref. 300578-18 and P.A. Ref. 18/200 & ABP Ref. 303006-18.

- The proposed development is in accordance with the National Planning Framework and the RSES for the Eastern and Midlands Regional assembly, which espouse the concept of 'compact growth' of settlements within existing built up areas.
- The site is located within the settlement envelope of Ballymahon and the majority of the site is zoned 'Site Resolution Objective'.
- The proposed development accords with the zoning objective for the site in providing a level of residential development suitably commensurate with the scale and density of the existing Dúnáras residential estate.
- The site incorporates 0.7ha of land which is zoned 'commercial / residential', which has the objective to 'primarily provide for commercial / retail development with a possible element of residential development'. It is acknowledged that the portion of the site subject to this zoning objective is not an appropriate location for retail or commercial development.
- The proposed development generally accords with current design principles and guidance.
- The proposal provides a diversity of house types (8 no. house types proposed) and the provision of a sizable playground and outdoor gym equipment area.
- The placement and arrangement of the proposed dwellings to the core of the site is to be commended, offering a variety of spaces and interest within the development.
- The proposed development benefits from a clear and delineated pedestrian access route running through the heart of the estate connecting with a pedestrian entrance at Marian Terrace.
- The additional lands, as outlined in purple on the Site Layout Plan, has brought about a segmented arrangement, to the point where the open green spaces are isolated from the amenity of the overall estate and the pedestrian access link is pushed north and to the fringes of the site boundary.
- The previous proposal saw the provision of a generous depth of trees along the north-western boundary between the Longford / Westmeath Mart and the proposed development. This has been removed under the subject application and should be re-introduced.



- Adequate separation distances are provided between the proposed dwellings and the Mart. This was an issue raised in previous applications and the separation distances of 27 metres then provided was considered acceptable by both the Planning Authority and An Bord Pleanála under P.A. Refs. 18/200 and 17/195.
- The proposed development would not overlook or impact on the residential amenity of residential dwellings within Dúnáras, Marian Terrace or St. Christopher's Community Centre.
- Third party submissions concerns were raised in relation to the adequacy of the existing wastewater infrastructure serving the existing houses of Dúnáras estate, citing capacity issues and odour problems, particularly during periods of heavy rainfall. This issue was raised in previous applications / appeals under P.A. Refs. 18/200 and 17/195 where both the Planning Authority and An Bord Pleanála did not express concern in respect of wastewater capacity subject to an upgrading of the wastewater treatment plant at Ballymahon.
- On the basis of information submitted, it is satisfactorily established that a connection to the water supply stand wastewater networks of Irish Water can be achieved for the proposed development. Any concerns in relation to wastewater capacity issues can be adequately addressed by way of appropriate conditions.
- Third party submissions referred to flooding on adjacent lands to the east of the site. This issue was addressed in previous applications /appeals under ABP Ref. 303006-18 and ABP Ref. 300578-18. Under ABP Ref. 300578-18 the Planning Inspector found no evidence of ponding or any evidence of flooding or water breaching the banks of the existing drain into which the piped surface water from the site discharges.
- Mindful of a third party submission of an adjoining landowner with photographs attached, the Planning Authority recommend that in the event of a grant of permission a Condition be imposed seeking a comprehensively documented review of the existing surface water disposal system with cctv footage, to ensure the proposed network will adequately dispose of surface water drainage.
- The adequacy of sightlines at the entrance to the site from the Ballymulvey Road was determined by the Board under ABP Ref. PL14.212595 and ABP Ref. 300578-19.

- The existing development at Dúnáras has not complied with Condition No. 2 of its permission on appeal under ABP Ref. PL14.212595 which requires a footpath linking the site to the junction of Main Street be completed, including public lighting, prior to the occupation of any dwelling. The previous applications under P.A. Refs. 18/200 and 17/195 have documented the concerns of the Planning Authority on this matter.
- The failure of the previous developer to provide a footpath along the Ballymulvey Road linking to the town centre is of considerable loss to the current residents of Dúnáras, which will be exacerbated by the proposed development and its associated footfall.
- The Planning Authority consider that the Ballymulvey Road, in its current form of narrow roadway with minimal verge and stretches of stonewalling, is unsafe for pedestrian and /or cycle use.
- Reference made to the Planning Inspector's reports under ABP Refs. 303006-18 and 300578-19 which deemed acceptable the provision of pedestrian access to Main Street via Marian Terrace.
- The provision of a pedestrian link between the subject site and Ballymahon town centre is the central issue of the subject application, given An Bord Pleanála's previous reasons of refusal of permission
- An Bord Pleanála refused permission for previous developments on the grounds of the non-provision of a public footpath and cycleway along the Ballymulvey Road.
- The Planning Authority are of the view that the proposed pedestrian and cyclist access via Marian Terrace provides an appropriate solution to this issue that would benefit the existing Dúnáras residents as well as the future inhabitants of the proposed development.
- Reference made to the Planning Inspector's report under PL14.212595 which deemed that while connectivity via Marian Terrace would provide for an acceptable alternative arrangement, the proposed path would traverse lands which are not in the applicant's ownership and for which consent from the relevant landowner has not been submitted.

- The Planning Authority is of the opinion, given that the applicant has indicated an agreement to purchase the intervening lands and submitted written consent from the current owner of these lands, that the proposal is sufficiently adequate to overcome the issue of pedestrian connectivity between the site and town centre / Main Street.
- As addressed by the Board under ABP Ref. 303006-18 and ABP Ref. 300578-18, third party concerns regarding security, anti-social behavior and privacy are not an issue along the pedestrian route via Marian Terrace.
- Given the geometric constraints along the Ballymulvey Road and the difficulties of providing a footpath along this route, the provision of a pedestrian link via Marian Terrace from the subject site to Main Street is considered a more viable route.
- The Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA) submitted are considered acceptable.

### 3.2.2. Other Technical Reports

**Road Design Section:** No objection subject to 22 no. Conditions. Noted Condition are summarised as follows:

1. The Conditions of the Road Safety Audit shall be applied in full. A Stage 3 Road Safety Audit shall be carried out on the completed development and any recommendations implemented by the Applicant at their own expense.
5. Prior to commencement, the applicant shall submit for agreement a detailed layout of proposed works in Marian Terrace.

**Architects Report:** No objection subject to 5 no. Conditions. Comments made in the Architects report are included in the Planning Report and the Conditions recommended were imposed by the Planning Authority.

**Chief Fire Officer:** No objection subject to Conditions.

### 3.3. Prescribed Bodies

**Transport Infrastructure Ireland:** Condition recommended requiring that the proposed development be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment.

**Irish Water:** No objection subject to Conditions.

### 4.0 Planning History

**P.A. Ref. 18/200 & ABP Ref. 303006-18** Permission REFUSED ON APPEAL in 2019 to Beacon Assets Ltd. for the construction of 32 no. dwellings, the removal of 10 no. floor slabs, the provision of a pedestrian access via a right of way to and from Ballymahon town centre along the western boundary of the site via Marian Villas/Terrace. The Reason for Refusal was as follows;

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

**P.A. Ref. 17/195 & ABP Ref. 300578-18** Permission REFUSED ON APPEAL in 2018 to Mark Cunningham for the construction of 39 proposed dwellings, reduced to 35 dwellings, by way of further information submission. The Reason for Refusal was as follows;

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

proposed development would, therefore, endanger public safety by reason of a traffic hazard.

**P.A. Ref. 10/13** Extension of duration of permission GRANTED to Leo Buckley Construction Ltd for development permitted under ABP Ref. PL14.212595 until the 13<sup>th</sup> October 2013.

**P.A. Ref. 06/893** Permission GRANTED in 2007 to John Buckley for the construction of an additional 4 houses together with the construction of a purpose built crèche, playschool and Montessori school.

**P.A. Ref. 04/1297 & ABP Ref. PL14.212595** Permission GRANTED ON APPEAL in 2005 to SAMM Partnership for the construction of proposed 96 no. houses with associated services and site works. Noted Condition included;

C. 2: A footpath linking the site to the junction with the Main Street shall be completed including public lighting prior to the occupation of any dwelling unit.

C.3 House numbers 01, 02, and 03 as shown on the revised site layout received by An Bord Pleanála on the 11<sup>th</sup> day of July, 2005 shall be omitted.

C. 6 The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority.

C. 7 Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority.

## 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 subject to two zoning objectives.

The larger north-eastern section of the site is zoned 'Site Resolution Objective' which seeks 'To provide a mix of uses for the sustainable regeneration of the area'.

The smaller south-western section of the site is zoned 'commercial / residential' which seeks to 'To primarily provide for commercial/retail development with a possible element of residential development'

**Appendix 1D** sets out zoning provisions for Ballymahon.

**Figure 2.1.3 Settlement Strategy** - Ballymahon is identified as a Tier 4 Local Service Town.

**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.

(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 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.

**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 site is located outside the Flood Risk Zone A and B, as indicated on the Ballymahon Development Plan Zoning and Flood Risk Zone Map (Fig. 3.1).

**5.2. National Guidelines**

Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)

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 c. 5.6 km to the north-east of the Lough Ree SPA (Site Code: 004064) and SAC (Site Code: 000440).

### 5.4. **EIA Screening**

Notwithstanding the proximity of the proposed development to the Inny River which is located c. 200m to the south of the site and the river Antley which is located c.300m to the east of the site, 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. 3 no. third party appeals against the decision of the Planning Authority were received from the following;

- Dúnáras Residents Association, Ballymahon, Co. Longford.
- Seán Casey of No. 5 Dúnáras housing estate, Ballymahon, Co. Longford.
- DML Consulting representing Matthew Daly of Ballymulvey, Ballymahon, Co. Longford.

The grounds of appeal of the appellants are summarised under the headings below;

### 6.1.2. Planning History

- The proposed development is almost the same as the developments refused permission on appeal both under ABP Refs. 303006-18 and 300578-18.
- An Bord Pleanála refused permission for the previous developments on the grounds that there is not a safe pedestrian footpath between the site and Ballymahon along the Ballymulvey road, were deemed to be premature and the proposed developments would endanger public safety by reason of a traffic hazard.
- Under ABP Ref. PL14.212595 Condition No.2 required that a footpath including public lighting be provided along the Ballymulvey road linking the estate with the junction of Main St. (N55) prior to the occupation of any dwelling.
- The proposed cycleway via Marian Terrace will not solve the issue of non-compliance with ABP Ref. PL14.212595.

### 6.1.3. Road Safety

- The proposed development does not provide a pathway along the Ballymulvey Road.
- The lack of a footpath and cycle route along the Ballymulvey Road results in a disconnect between Dúnáras and Main St. Ballymahon.
- The Ballymulvey Road is a narrow winding road subject to speeding traffic.
- Despite the proposed pedestrian / cycle route through Marian Terrace, the majority of residents of Dúnáras will continue to use the Ballymulvey Road.
- The proposed pedestrian / cycle route through Marian Terrace cannot be considered an alternative to the required footpath along the Ballymulvey Road.
- The proposed development would generate an estimated additional 250-450 vehicular journeys along the Ballymulvey Road daily.
- The increase in additional daily car journeys from the proposed development would increase traffic hazard along the Ballymulvey Road.



- Vehicles exiting the Dúnáras estate create a traffic hazard to traffic on approach along the Ballymulvey Road.
- Sightlines are restricted at the junction of the Ballymulvey Road and the estate access road and do not comply with Design Manual for Urban Roads and Streets (DMURS) and Transport Infrastructure Ireland (TII) design requirements.
- The restricted sightlines at the junction of the Ballymulvey Road create a traffic hazard for both the local community and national road network.
- TII have not been adequately informed of the implications of the proposal.
- While the junction to the estate is located within the 50kph speed limit, the straight stretch of road to the front of the site is subject to speeding traffic.
- The proposed development would create additional traffic at the hazardous junction of the Ballymulvey Road and the N55/ Main Street in Ballymahon.
- The Road Safety Audits submitted under the previous and subject applications have not dealt with sightlines, road geometrics and speeding traffic along the Ballymulvey Road and its junction with the N55.
- An annual average daily increase of 450 vehicle movements from the proposed development would require a junction re-design of the Ballymulvey Road junction with the N55, which is likely not possible given the existing urban location.
- The Planning Authority has not addressed the junction of the Ballymulvey Road and the N55/ Main Street in Ballymahon in the Conditions of its grant of permission.

#### 6.1.4. **Proposed Footpaths / Cycleway through the site**

- Under the previous applications, the proposed cycleway and footpath through Marian Terrace and Villas were not acceptable to An Bord Pleanála.
- Concerns regarding the transitions to / from the proposed cycleways and the existing trafficked pavements at Dúnáras and Marian Terrace.
- No evident warning or crossing points are provided within the estate.
- The route terminates abruptly at an angle to an existing T-junction in the estate.
- The proposed cycleway would create a traffic hazard.

- The cycleway terminates inappropriately at locations with inconsistent infrastructure.
- The design of the cycleway does not provide continued protection of cyclists to the junction with the Ballymulvey Road, along the road itself and where the cycleway ends at Marian Terrace.
- No traffic calming measures are proposed within Marian Terrace, for the safety of cyclists.
- The proposed cycleway would bring cyclists quickly to locations with an increased risk of interaction with vehicular traffic without appropriate protections.
- Unlike previous applications, there are no security measures at the proposed walkway through Marian Terrace. This will give rise to anti-social behaviour.
- The proposed walkway through Marian Terrace will change the nature of this cul-de-sac and have psychological impacts on the residents along the terrace, many of whom are elderly.
- The proposed cycleway and footpath will require the removal of a number of trees within Dúnáras, which enhance the character and visual amenity of the estate.

#### 6.1.5. Drainage

- The surface sewer serving Dúnáras estate runs through lands to the east of the site owned by the Daly family. This is causing said lands to flood as the sewer has not been constructed in a satisfactory fashion and the outfall drains have not the capacity to satisfactory discharge the additional surface water flow from the new sewer line running through the Daly lands.
- The drainage arrangements of the existing estate are not in compliance with Condition No. 7 of ABP Ref. PL14.212595.
- The sewage system is at capacity within both Dúnáras and Ballymahon. The system will not have the capacity for the proposed additional dwellings.
- It has been indicated by a local elected representative that the flooding occurring on the Daly's farmland from the surface water outflow from the Dúnáras estate is the principal reason the estate has not been taken in charge by the Council.

- The sewage system within the estate frequently emits strong smells during prolonged periods of rains or exceptionally dry periods. The proposed additional dwellings will increase this issue.

#### 6.1.6. **Proximity to the Longford – Westmeath Farmers Mart**

- The proximity of the site to the Mart is not a suitable location for the proposed development.
- The proximity of the proposed dwellings to the Mart will impact on the residential amenity of the future occupants of the proposed dwellings by way of noise, odour, and spray emissions.
- Proposed house nos. 48-50 are exceptionally close to the wash-out facilities of the mart and will be casualties of spray and smell from this facility.
- The proposed “buffer zone” between the site and the adjacent farmers mart is insufficient and will do little to reduce smell and noise nuisance.
- The extent of the proposed ‘buffer zone’ has been reduced from that proposed under previous applications.
- The location of the proposed development may hinder any potential future development, upgrade or large-scale maintenance of the Mart. This facility is a critical enterprise for South Longford, being one of only two operational cattle marts in the county which supports thousands of local farming families.
- The proposed outdoor exercise equipment area is located adjacent to the mart’s slurry treatment facilities.

#### 6.1.7. **Other**

- The proposed development is not in keeping with the aesthetic of the existing estate.
- Concerns that the estate has not been taken in charge by Longford County Council and the developer is preventing the estate from being taken in charge.

- The proposal would have financial and psychological impacts on the residents of Dúnáras.
- The proposal would affect the residential amenity of residents within Dúnáras and their use of the green space within the estate.
- The Dúnáras Residents Association have been liable for the costs of landscaping and grounds maintenance of the estate. This should have been the responsibility of the developer who is the legal owner of the green areas and access roads.
- The developer under the subject application was the engineer and planning agent for the developer of the first planning application of the site in 2004. As such the developer was then required to ensure the proposal complied with the Conditions imposed under the original permission granted by the Board.

6.1.8. Supporting documentation lodged with the Dúnáras Residents Association appeal include the following;

- An aerial photo and photographs with detail of traffic safety and road geometry constraints on the local road network around the site and in Ballymahon.
- Photographs of the Dúnáras estate.

6.1.9. Supporting documentation lodged with the appeal from Matthew Daly includes:

- Photographs detailing water lodging at the outfall pipe and drain and flooded areas within the Daly lands.
- Photo of the concrete ring in the River Antley.
- Maps and aerial photograph detailing the location of the said outfall pipe, drain and concrete ring.
- Section drawing submitted detailing the drain to the Antley River and respective ground, water and riverbed levels.

## 6.2. Applicant's Response

6.2.1. The response received from HWP Planning Consultants, representing the Applicant, is summarised as follows;

- The issues raised in the third-party appeals are largely identical to matters raised under the previous applications, notwithstanding the review and assessment of said matters by the Planning Authority and subsequently An Bord Pleanála.
- The single key planning issue relates to the provision of a pedestrian and cycle link from the site to the Main Street in Ballymahon.
- Under the parent permission PL14.212595, the Planning Inspector recognised that connectivity via Marian Terrace in lieu of Ballymulvey Road was appropriate, but was ultimately discounted on the basis of 3<sup>rd</sup> party land ownership between Dúnáras and Marian Terrace.
- A form of pedestrian route through Marian Terrace was included in subsequent applications to be executed by means of right away through a third-party field.
- The applicant's interpretation is that a perceived lack of certainty on the provision of a link was a barrier to its consideration as a viable alternative to the upgrades on the Ballymulvey Road.
- The weight placed on the Marian Terrace / Villas options previously by the Board has been a key driver in the subject application, which includes the full extent of intervening lands between Dúnáras and Marian Terrace / Villas.
- The proposal provides a dedicated two-way cycle lane and segregated pedestrian footpath in full compliance with DMURS.
- The proposal includes significant upgrades to the existing footpaths, car parking bays and carriageway that serve Marian Terrace, to create a shared surface and facilitate safe onward journeys from the site to Main Street, Ballymahon.
- The proposal will benefit existing and future communities in the town.
- The proposal represents the optimal and most deliverable solution to address the non-provision of safe connectivity linkage to the town.
- The design of the proposed development is sensitive in nature.
- The proposal provides green space which will be accessible to residents in Marian Terrace and St. Christopher's community centre, who presently do not benefit from such amenity.

- Residential development is provided for under the new component of the subject site (0.7 ha) which is zoned 'Commercial / Residential' (i.e. south-western section).
- The proposed cycle and pedestrian route will provide definitive certainty of connectivity and linkage to the Main Street in Ballymahon.
- The proposed cycle and pedestrian route complies with the Design Manual for Urban Roads and Streets and the National Cycle Manual.
- An independent audit of issues was prepared by ORD Consulting Engineers which informed the design response as per the Connectivity Report submitted with the application.
- This precipitated an approach to Longford County Council to include additional lands within their ownership in the application.
- The full suite of measures include the following;
  - Provision of a 2.5m pedestrian footpath through the site in compliance with DMURS, tying in with the existing footpath network in Phase 1.
  - Provision of a 4m wide two-way cycle track through the existing Phase 1 and proposed Phase 2 of Dúnáras, comprising dedicated and segregated 2m contraflow lanes.
  - Merging of the cycle track into a new shared surface arrangement through Marion Terrace.
  - Redesign of the junction where Marian Terrace (L52182) meets the Mostrim Road to reduce corner radii which will act as a traffic calming measure, and the raising of the carriage way to create horizontal deflection.
  - Widening the width of existing car parking bays and conversely reducing the width of the L 52182 road carriage way, again naturally traffic calming and improving priority of cyclists.
  - Provision of new street lighting throughout the proposed development, including upgrading of existing lighting in Marian Terrace. The existing Marian terrace villas is poorly serviced with street lights and will comply with DMURS requirements.

- The proposal will contribute to the achievement of key urban design criteria at neighborhood, site and home level as contained which in the 'Urban Design Manual - A Best Practice Guide'.
- The proposed pedestrian and cycle connection via Marian Terrace / Villas is the optimal route for existing and future residents in Dúnáras.
- A survey carried out by ORS Consultants found that the route via Marian Terrace would be the shortest for the majority of residents within the completed Dúnáras estate.
- Concerns regarding privacy, security and anti-social issues were addressed in previous applications by the Planning Authority and An Bord Pleanála, where the consensus was that the proposed linkage through Marian Terrace / Villas would not contribute to such impacts.
- Under P.A. Ref. 18/200, the potential of connecting Dúnáras to Main Street in Ballymahon by means of a Council Part 8 project was identified. In July 2019, the Minister for Transport, Tourism and Sport, at an Oireachtas hearing, confirmed that €100,00 had been allocated for the 'L-5218 Ballymulvey Road Cycle Track'. While there is a possibility this project may be delivered, little progress has been made in the intervening period.
- ORS Consulting Engineers were commissioned to review the feasibility of constructing a footpath on the L-5218 between Dúnáras and Main Street in Ballymahon. Their investigations identified a significant number of constraints which would inhibit the practical delivery of footpath improvements along the 350m stretch of roadway including the presence of third party boundary walls, protected structures, narrow road verge widths, retaining walls, private residential entrances and mature trees.
- The report concludes that the most viable option is to link the proposed development with Main Street via Marian Villas / Terrace.

6.2.2. Documentation lodged with the applicant's response include the following;

- Revised Layout Plan incorporating Conditions imposed by Longford County Council in its grant of permission. Noted amendments include the following;

- The proposed woodland area has been increased in number, depth and placement of trees to coincide with that as previously proposed under P.A. Ref. 18.200. Details of proposed tree type and planting provided.
- The provision of a defined area within the woodland to provide an area of biodiversity.
- Layout of each front driveway rearranged to omit stacked parking, as per Condition No. 2b.
- Provision of 1 no. electric vehicle EV point per dwelling.
- Provision of a designated pedestrian crossing and raised junction, as per Condition No. 2d.
- Relocation of House Nos. 60 & 61 to bring the pedestrian footpath and cycle route further into the site, as per Condition No. 2e.
- Omission of splayed entrances to the front of dwelling nos. 61-64, as per Condition No. 2f.
- Palisade fencing omitted and replaced with 2m high block rendered walls with capping as per Condition No. 2g.
- Dwelling Nos. 55, 60, 61 & 64 identified as catering for improved residential accessibility, as per Condition No. 2h.
- Planting provided to the rear of House Nos. 43, 44, 34 and 35.
- Details of street lighting – LED type and cowled.
- Details of surface water drainage of the combined footpath / cyclepath
- Connectivity Report, prepared by Cunningham Design & Planning Consultants.
- Letter of Consent from Lily Trautt of Creevaghbeg, Ballymahon for the applicant to apply for permission for the proposed development which is located on Lily Trautt's lands at the south-western section of the site. Map attached outlining said lands in red.
- Letter of Consent from Longford County Council giving consent for the applicant for the use of the footpaths and roads in Marian Villas which are in the control of the Council.



- Land Registry details showing the lands within the applicant's ownership and rights of way.
- Photographs and aerial photographs of the site, incorporating visual imagery of the proposed development.
- Pedestrian Infrastructure Feasibility Assessment prepared by ORS Consultants for the suitability of the L-5218 Ballymulvey Road for the addition of a footpath to provide pedestrian access from Dúnáras to Ballymahon Main Street.

### 6.3. **Planning Authority Response**

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

### 6.4. **Observations**

A third-party observation was received from Liam Madden of Convent Road, Longford. Issues raised are summarised as follows;

- Summary of appeal submitted by Sean Clancy.
- Summary and details of the signatories of the Dúnáras Residents Association appeal.
- The original development permitted under P.A. Ref. 04/1297 was not completed and dwellings were occupied prior to compliance with Condition No. 2 of its permission.
- Green areas in the estate are in the ownership of the appellant, Sean Clancy. Land Registry Folio details and maps attached.
- The address of both appeals is No. 5 Dúnáras, which is the Clancy's home. This undermines the bona fides of both appeals.

## 7.0 **Assessment**

- 7.1.1. I have reviewed the proposed development and the correspondence on the file. The proposed development under the subject appeal is similar in layout and design to developments previously refused permission on appeal under ABP Ref. 303006-18 and ABP Ref. 300578-18, with the exception of additional land and 5 no. dwellings thereon at the south-western section of the site and amendments to the original

proposed footpath linking with Marian Terrace with the provision of a 2-way cycle lane to its side. Other proposed works include, inter alia, the re-design of the junction of Marian Terrace and the Mostrim Road (N55) and the upgrade of existing footpaths, car parking bays and carriageway that serve Marian Terrace so as to create a shared surface.

7.1.2. The Planning Authority is satisfied that the proposal is in accordance with the zoning objectives of the site and its layout and design generally accords with current design principles and guidance. The Planning Authority consider that the proposed dwellings would not impact on the residential amenity of adjacent property. Specific conditions were imposed by the Planning Authority to address any deficiencies in the layout and design of the proposal and to ensure a satisfactory standard of development. These conditions are summarised in Section 3.1 above. I am satisfied that the scale, form and design of the proposed dwellings comply with the Longford County Development Plan residential standards.

7.1.3. A wide range of issues were raised in the grounds of appeal relating to, inter alia, traffic and road safety concerns, impact on residential amenity, the proximity of the site to the Longford/Westmeath agricultural mart, the capacity of the foul and surface water drainage system and potential flooding issues on adjoining lands to the east of the site. These issues were the subject of consideration by the Board under ABP Ref. 303006-18, ABP Ref. 300578-18 and the original permission ABP Ref. PL14.212595. Given the nature and extent of the proposed development and its similarity to the aforementioned previous developments considered by the Board, I do not consider it necessary that these issues should be revisited under the subject appeal. I therefore consider that the main issue for consideration is overcoming the reasons for previous refusal as given by the Board under ABP Refs. 303006-18 and 300578-18 with regards road safety and connectivity. The issue of appropriate assessment also needs to be addressed. These issues can be dealt with under the following headings:

- Road Safety and Connectivity,
- Appropriate Assessment.

These are addressed below.

## 7.2. Road Safety and Connectivity

- 7.2.1. In 2005 An Bord Pleanála granted planning permission under PL.14.212595 for 96 no. proposed houses on the subject lands. Of the houses permitted, 24 of these houses were built mainly along the eastern side of the estate access road serving Dúnáras and the northern side of a cul-de-sac spur leading off this estate road. The remainder of the permitted houses remained unbuilt, with floor slabs associated with 10 no. houses laid along the north-western section of the site. Condition No. 2 of An Bord Pleanála's decision required that 'a footpath linking the site to the junction with the Main Street shall be completed including public lighting prior to the occupation of any dwelling unit'. To date, this footpath has not been constructed.
- 7.2.2. In 2018, An Bord Pleanála refused permission under ABP Ref. 300578-18 for the construction of 35 no. houses on the subject lands. The reason for refusal stated that 'the subject site is served by a road network which is substandard in light of the non-provision of public footpaths and cycleways along the Ballymulvey Road. In the absence of such convenient pedestrian and cycle access to Main Street, Ballymahon, it is considered that the proposed development would be premature pending the provision of a footpath along the Ballymulvey Road between the subject site and Main Street, Ballymahon. The proposed development would, therefore, endanger public safety by reason of a traffic hazard'.
- 7.2.3. In 2019 An Bord Pleanála refused permission for the construction of 32 no. houses on the subject site under ABP Ref. 303006-18. As detailed in the Planning Inspector's report, the proposal was almost identical in nature to that refused permission under ABP Ref. 300578-18, with the exception of design changes and the omission of 3 no. houses resulting in a development of 32 no. houses. The reason for refusal was the same as that given by the Board under ABP Ref. 300578-18.
- 7.2.4. As detailed above, the proposed development under the subject application / appeal remains largely unchanged to the development refused permission on appeal under ABP Refs. 300578-18 and 303006-18 with the exception of additional lands and 5 no. dwellings thereon at the south-western section of the site, amendments to the original proposed footpath linking the with Marian Terrace with the provision of a 2-way cycle lane to its side and proposed works to the carriageway and road junction of Marian

Terrace. Vehicular access to the proposed development remains unchanged, via the existing entrance along the Ballymulvey Road and the estate access road serving the existing occupied dwellings within Dúnáras. The proposed development does not provide a footpath along the Ballymulvey Road between the subject site and Main Street in Ballymahon, as was required under Condition No. 2 of ABP Ref. PL14.212595.

- 7.2.5. In an attempt to address the reasons for previous refusal, the site has been enlarged to include lands along the south-western section (letter of consent submitted) and the provision of a 2.5m wide pedestrian footpath and adjoining 4m wide two-way cycle track, traversing the site to link with the south-eastern end of Marian Terrace cul-de-sac via an existing agricultural entrance. The proposal also provides for the redesign of the road junction of Marian Terrace and the Mostrim Road (N55), a reduction in the width of the carriageway and increase in width of footpaths and parking bays along Marian Terrace. The applicant has submitted a letter from Longford County Council giving consent to the applicant for the use of the footpaths and roads in Marian Terrace which are in the control of the Council. It is unclear from this letter of consent that the Local Authority gives consent for the proposed redesign of the Marian Terrace junction with the Mostrim Road (N55) and the proposed reduction in the width of the carriageway and increase in width of footpaths and parking bays along the Terrace. Notwithstanding this, I note that the Road Design Section of Longford County Council outline no objection to the proposed development subject to a condition requiring, inter alia, the applicant to submit for agreement a detailed layout of proposed works in Marian Terrace.
- 7.2.6. Documentation submitted in support of the proposal includes a Traffic and Transport Assessment (TTA) and a Road Safety Audit (RSA). The road network and existing vehicular access to the site remains unchanged. Issues regarding traffic generation, sightlines at the entrance to the site and vehicular access serving the proposed development were the subject of consideration by the Board under previous appeals ABP Ref. 303006-18, ABP Ref 300578-18 and ABP Ref PL14.212595. As such I do not consider it necessary that these issues should be revisited under the subject appeal. Notwithstanding this, I consider that an assessment of the TTA and RSA is required in order to assess the impact of the proposed development on pedestrian and cyclist safety along the Ballymulvey Road and throughout the site.

7.2.7. The Road Safety Audit raised issues with regards the absence of detail of street lighting along the internal road and footpath network, the absence of detail of width of internal footpaths and the absence of information in relation to onward connectivity between the proposed pathways within the site and the existing pathways and roadways along Marian Terrace. The applicant responded to these issues (detailed as Problem No. 1, 5 and 10 in the Road Safety Audit) in the Connectivity Report prepared by Cunningham Design & Planning Consultants clarifying that the widths of the paths would be in accordance with the Design Manual for Urban Roads and Streets (DMURS), its linkage with the footpath along Marian Terrace and the 2-way cycle lane connection with the proposed shared surface along Marian Terrace. The applicant also responded with a drawing detailing the provision of street lighting throughout the development. Appendix D of the Planning Report prepared by Cunningham Design & Planning Consultants provides aerial photographs of the entrance to the site at the end of Marian Terrace.

7.2.8. The Traffic and Transport Assessment submitted details, inter alia, the following:

- Proposed public works scheduled to commence in Ballymahon town.
- Existing cycle and pedestrian routes (and lack thereof) serving the Dúnáras estate.
- Existing traffic flows along the Ballymulvey Road.
- An assessment of the Ballymulvey road in terms of road width, alignment and sightlines at the entrance to the site.
- Traffic collision data along the Ballymulvey Road.
- Traffic generation / trip rates and distribution splits for the proposed development.
- Traffic impact associated with the proposed development at the access junction to the estate and the junction of the Ballymulvey Road and the N55.
- Traffic and transport assessment thresholds.

7.2.9. The appellants grounds of appeal in relation to road, pedestrian and cyclist safety are detailed in Section 6.1 above. In response to the grounds of appeal, the applicant has submitted, inter alia, a Pedestrian Infrastructure Feasibility Assessment prepared by ORS Consultants of the suitability of the Ballymulvey Road L-5218 for the addition of a footpath to provide pedestrian access from Dúnáras to Main Street in Ballymahon.

This report provides a detailed assessment of constraints for the provision of a footpath along the L-5218 Ballymulvey Road. These can be summarised as follows:

- Narrow verge widths.
- Land acquisition requirements in order to provide a footpath along the roadway.
- The presence of boundary stone walls including walls of protected structures (St. Catherine's Church and a former masonic lodge) and retaining walls, which may become damaged or weakened or require possible removal which would require significant construction costs to rebuild.
- Mature trees and hedges which may become damaged, adding complexity to construction works.
- The possible removal of a significant number of trees.
- Redesign of residential property vehicular entrances along the Ballymulvey road.

7.2.10. The Pedestrian Infrastructure Feasibility Assessment provides a review of travel distances for pedestrian and cyclists from Dúnáras to the Main Street in Ballymahon, comparing the route via Marian Terrace and the L-5218 Ballymulvey Road. The comparison indicates that for the majority of properties in Dúnáras, a pedestrian and cycle route via Marian Terrace would be the shortest route. The worst-case house would be house no. 7 which would have to walk / cycle an extra 145m through Marian Terrace when compared with using the L-5218 Ballymulvey Road. The report concludes that the proposed pedestrian link through Marian Terrace is the most viable option to provide suitable pedestrian accessibility from the Dúnáras estate to the Main Street in Ballymahon, given the physical constraints associated with the Ballymulvey Road that are outside the control of the applicant.

7.2.11. Having reviewed the drawings and documentation on file, I consider that the critical issues before the Board are (i) pedestrian and cyclist safety along the L-5218 Ballymulvey Road linking the Dúnáras estate with Main Street in Ballymahon and (ii) the acceptability of the proposed pedestrian footpath and cycle route as an alternative, linking the Dúnáras estate with Main Street Ballymahon via Marian Terrace.

7.2.12. With regard the issue of pedestrian and cyclist safety along the L-5218 Ballymulvey Road, the Road Safety Audit submitted provides a detailed assessment of road safety issues concerning the internal road network of the Dúnáras Estate. The Road Safety

Audit and separate Connectivity Report however do not address road safety risks along the Ballymulvey Road L-5218. Details are not provided of existing and projected patterns of pedestrian and cyclist movement from the Dúnáras estate along the Ballymulvey Road. In the absence of evidence to demonstrate otherwise, I have serious concerns that existing and future residents of the Dúnáras estate will continue to use the Ballymulvey Road to walk to Ballymahon, notwithstanding the proposed alternative through Marian Terrace. Given the absence of a public footpath and cycleway linking the site with Main St. in Ballymahon along the Ballymulvey Road, it is my view that the proposed development would contravene materially Condition No. 2 attached to development permitted under ABP Ref. PL14.212595 and would, therefore, endanger public safety by reason of traffic hazard.

7.2.13. In the grounds of appeal the applicant, the applicant refers to the previous appeal ABP Ref. 303006-18 and how the potential of connecting Dúnáras to Main Street in Ballymahon by means of a Council Part 8 project was identified. The applicant details how in July 2019 the Minister for Transport, Tourism and Sport, at an Oireachtas hearing, confirmed that €100,00 had been allocated for the 'L-5218 Ballymulvey Road Cycle Track'. The applicant acknowledges that while there is a possibility this project may be delivered, little progress has been made in the intervening period. Notwithstanding this, I would concur with the previous Inspectors under both ABP Ref. 303006-18 and ABP Ref. 300578-18 that it may be more appropriate to refuse planning permission for the proposed development on the grounds of prematurity.

7.2.14. With regard the acceptability of the proposed pedestrian footpath and cycle route as an alternative, linking the Dúnáras estate with Main Street Ballymahon via Marian Terrace, I consider that the layout and design of the proposed pedestrian footpath and 2-way cycle lane submitted under the subject application is a significant improvement to that previously submitted under the previous appeals ABP Ref. 303006-18 and ABP Ref. 300578-18. Notwithstanding this, it is my view that the proposed alternative pedestrian path and cycle lane provides a circuitous and indirect route to Main Street in Ballymahon. Given that this would be the only pedestrian route serving the proposed development, I consider that such development would be contrary to the Design Manual for Urban Streets and Roads (DMURS) which requires that the principle corridors for the movement of pedestrians and cyclists be as direct as possible and to prevent highly limited route choice. On this basis, I would concur with the previous

Planning Inspector under ABP Ref. 303006-18 that the proposed pedestrian footpath and 2-way cycle lane would enhance connectivity and permeability in the area but should be provided in addition to the footpath along the Ballymulvey Road rather than as a potential alternative.

### **7.3. Screening for Appropriate Assessment**

- 7.3.1. The site is located on serviced lands c. 5.6 km to the north-east of the nearest identified European Sites, Lough Ree SAC (site code 000440) and Lough Ree SPA (004064). There is no hydrological link between the application site and Lough Ree SAC and SPA.
- 7.3.2. A Stage 1 Appropriate Assessment Screening Report, dated January 2020, was submitted with the application. This concluded that the nature and scale of the proposed development, which is not hydrologically linked to the European sites in question, would not have a significant effect on the relevant European Sites. It also assessed the indirect impacts of the proposal and potential in-combination or cumulative impacts of the proposal when taken together with the effects of other projects that are operational or proposed within or close-by the SAC/SPA area and concluded that no impacts are likely to arise if appropriate measures are adhered to.
- 7.3.3. On the basis of the information contained on file which I consider adequate in order to issue a screening determination that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Lough Ree SAC or Lough Ree SPA Natura 2000 site or any other European sites in view of the conservation objectives and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

### **8.0 Conclusion and Recommendation**

Having regard to the documentation on file and the planning history associated with the site, in particular the most recent decisions by An Bord Pleanála under ABP Ref. 303006-18 and ABP Ref. 300578-18, I do not consider that the proposed development overcomes the previous reasons for refusal for a residential scheme at this location. Given the absence of a public footpath and cycleway along the Ballymulvey Road linking the site with Main St. in Ballymahon, the proposed development would



contravene materially Condition No. 2 attached to the development permitted under ABP Ref. PL14.212595. The subject site is served by a road network which is substandard by reason of the non-provision of a public footpath and cycleway along the Ballymulvey Road. In the absence of a safe, convenient and direct public footpath and cycleway linking the subject site and Main Street in Ballymahon along the Ballymulvey Road, the proposed development would endanger public safety by reason of traffic hazard. I consider, therefore, that the proposed development to be premature pending the provision of such a public footpath and cycleway.

## 9.0 Decision

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

## 10.0 Reasons and Considerations

It is considered that the subject site is served by a road network which is substandard by reason of the non-provision of a public footpath and cycleway along the Ballymulvey Road. In light of the non-provision of a public footpath and cycleway linking the site with Main St. in Ballymahon, the proposed development would contravene materially Condition No. 2 attached to the development permitted under ABP Ref. PL14.212595. In the absence of a safe, convenient and direct public footpath and cycleway linking the subject site and Main Street in Ballymahon along the Ballymulvey Road, it is considered that the proposed development would endanger public safety by reason of traffic hazard.

---

Brendan Coyne  
Planning Inspector

23<sup>rd</sup> November 2020