



An  
Bord  
Pleanála

## Inspector's Report ABP-309786-21

<b>Development</b>	Construction of 12 no. new dwellings, new vehicular entrance and access road, landscaping, boundary treatment and associated site development works.
<b>Location</b>	Lands opposite & east of Tedavnet Community Centre, Tedavnet, Co. Monaghan.
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	20473
<b>Applicant(s)</b>	PDES Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tydavent Tidy Towns Committee.
<b>Observer(s)</b>	N/A.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of July 2021.

**Inspector**

Stephanie Farrington

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Tydavnet approximately 6km north-west of Monaghan Town and within the 50km/ph speed limit of the village. The site, which has a stated area of 0.688ha, comprises part of a larger agricultural field fronting onto the R186 which forms the western boundary of the site. Public lighting is provided along the site's boundary with the R186 but no footpath is provided.
- 1.2. The northern and eastern boundaries of the site are defined by mature hedging and intermittent trees. The southern site boundary is undefined. The topography of the site is generally flat. Tydavnet Community Centre is located to the west of the site at the opposite side of the R186. To the north the site is adjoined by an existing residential dwelling.

## 2.0 Proposed Development

- 2.1. The development, as originally proposed comprised of the construction of 13 no. detached dwellings and provision of a new vehicular entrance from the R186. Concerns in relation to the layout of the proposal, separation distances, public open space provision and the quantum of units were raised within Monaghan County Council's request for further information. Revised plans and particulars were submitted by the applicant in response to the FI request on the 29<sup>th</sup> of January 2021.
- 2.2. I concur with the concerns raised by the planning authority in respect of the development as originally proposed. For the purposes of clarity, I am carrying out this assessment on the basis of the revised plans/particulars submitted in response to Monaghan County Council's request for further information.
- 2.3. The following table details some of the key elements of the scheme as amended in response to Monaghan County Council's request for further information:

Table 1: Key Figures	
Site Area	0.688ha
No. of Residential Units	12 detached dwellings
Unit Mix	5 no. 3 bed units (House type A & D)

	7 no. 3 bed units (House type B & C)
<b>House Type and Floor Areas</b>	House Type A – 2 no. 4 bed dwellings - 146 sq.m. House Type B – 3 no. 3 bed dwellings – 117.39 sq.m. House Type C – 4 no. 3 bed dwellings – 129.4 sq.m. House Type D – 3 no. 4 bed dwellings – 146.23 sq.m.
<b>Density</b>	17.44 units per ha
<b>Open Space</b>	Total: 1,415 sq.m. – 20.6% of total site area. Open Space Area 1: 1,040 sq.m. (15% of site area) Open Space Area 2: 375 sq.m. (5.5% of site area)
<b>Car Parking</b>	2 no. spaces per residential unit provided within curtilage

- 2.4. The layout comprises 12 no. detached dwellings arranged in a linear format facing onto a centrally located access road. The residential units are set back from the road edge and public open space is provided to the west of the site at either side of the access road. The proposed units are provided in a linear format at either side of the centrally located access road. Public open space is provided to the west of the site adjacent to the R186.
- 2.5. Water supply is proposed via connection to the existing Tydavnet Group Water Scheme. The proposed foul water design incorporates a gravity pipe system which connects to the public foul sewer on the Monaghan Road and a pumping station within Tydavnet.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Monaghan County Council issued a notification of decision to grant permission for the proposed development subject to 13 no. conditions.

The following conditions are of relevance:

- Condition 5 (h): relates to the provision of pedestrian crossing points on the R186 and the LP1020 to link the pedestrian walkway from the estate to the village.
- Condition 9: The public open space area(s) and associated play area shall be completed/established in full, to a standard agreed in writing to the planning authority as being suitable, prior to the occupation of any of the houses permitted.

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

#### **3.2.1. Planning Reports**

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- Reference is made to the requirements of Section 2.7 of the MCDP which sets out criteria for consideration of applications for residential development in Tier 5 and Tier 6 settlements including demonstration of demand for the proposal and compliance with the sequential development of the urban footprint. The planner's report outlines that the application documentation is insufficient in demonstrating compliance with the CDP in this regard.
- The layout and number of units proposed do not reflect the nature and scale of existing development in Tydavnet. The design of the dwellings are suburban in form and character. The development as proposed fails to protect the character of the Tier 5 settlement.
- It is stated that Tier 5 settlements do not have or require the provision of "residential" zoning and it is inappropriate and undesirable to seek to achieve

high density residential development within this area. A revised layout is requested which is more rural in form and character.

- Reference is made to the shortfall in public open space in accordance with CDP standards. A shortfall in private open space for Unit 11 is identified.
- The planner's report which informs the planning authority's decision sets out the following AA:

*“The Sliabh Beagh SPA is within 6km of the application site and a screening for AA has been carried out having regard to the following:*

- The distance of the proposed development site from any Natura 2000 site.*
- The scale and nature of the proposed development.*
- The conservation objectives of the Sliabh Beagh SPA.*
- The relevant policies within the County Monaghan Development Plan 2013-2019 in respect of the protection of Natura 2000 sites*
- The in combination effects of the proposed development with other plans and projects*

*It is considered that by virtue of the nature of the proposed development and the distance from the Natura 2000 site, that there will not be any significant effects on the integrity of the Natura 2000 site. In addition, there are no watercourses in proximity to the application site and no pathway connectors with the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of both the proposed development and any other plan or project, the development is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required”.*

The report recommends a request for further information in relation to the following:

- Item 1 – Demonstrate compliance with Tier 5 designation and rural policies and objectives of the CDP including Objective RS02 and Policy RSP1.
- Item 2: Revised proposals for the site which reflect the nature, scale and form of existing development in the area.

- Item 3: Revised proposals for public open space in accordance with CDP Plan requirements.
- Item 4: Separation distances for residential properties of 11m to be provided.
- Item 5: Revised proposals for SUDS.
- Item 6: Transportation requirements including footpath design and RSA.
- Item 7: Clarification regarding consent for connection to community group water scheme.
- Item 8: Response to submissions on application.

Planner's Report - (22nd of February 2021)

Recommends a grant of permission subject to condition. The following provides a summary of the key points raised.

- The report provides an overview of the applicant's response to the FI request and revised plans and particulars submitted.
- The additional analysis of housing demand and availability is considered to be comprehensive. The principle of additional residential units is accepted. The development contributes to the sequential development of the settlement.
- The proposed design revisions including the expansion of open space, omission of residential unit and revisions to the materials are significant in terms of the impact of the proposal on the rural area.
- It is considered that the low density nature of the scheme on lands which can be serviced by existing foul and water protects the existing character of the settlement and is in accordance with the requirements of Policies SH05 and CSP 5 of the MCDP.
- Policy HS6 pertains to urban housing. The un-zoned site cannot be deemed to be urban in nature and the requirements of this policy do not apply in this instance. The proposal is assessed as a multi-unit residential scheme within a Tier 5 settlement.
- It is stated that while it is disappointing that the form and layout remains slightly suburban, the quality of the open space provision and low density of



the scheme and house design are appropriate and on balance the scheme is considered acceptable.

- The principle of the proposal is acceptable, and the development is deemed in accordance with the policies and objectives of the Monaghan County Development Plan.

### 3.2.2. Other Technical Reports

Road Condition Report, District Engineers Report: Report dated 1<sup>st</sup> of December 2020 recommends a request for further information in relation to drainage proposals for the development, a Road Safety Audit, electric vehicle charging facilities, revised site layout plan incorporating footpath design for the R186.

Road Condition Report, District Engineer: Report dated the 10<sup>th</sup> of February 2021 states no objection to the proposal subject to condition.

Roads Section Review: Report dated 8<sup>th</sup> of December 2020 requests further information in respect of the following: Surface water drainage proposals, drainage proposals, footpath design for the R186, Road Safety Audit, revised site layout plan indicating footpath along the R186 and pedestrian crossing and traffic calming measures.

Road Section Review: Report dated 9<sup>th</sup> of February 2021 recommends a grant of permission subject to conditions.

Environmental Report: Report dated the 7<sup>th</sup> of December 2020 raises no objection to the proposal subject to conditions.

Waste Team, Environmental Services: Report dated 17<sup>th</sup> of November 2020 raises no objection to the proposal subject to condition.

Water Service Section: Report dated 17<sup>th</sup> of November 2020 outlines that the Tydavnet Group Water Scheme applies to the area and the proposal will not impact on any Irish Water assets or sources. No objection is raised to the proposal. A condition is recommended which outlines that *“separate application for wastewater connections to be submitted to Irish Water for approval prior to the commencement of any works on the site”*.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

- 3.4.1. 2 no. submissions were received during the initial statutory submission period. The following provides a summary of the points raised within each submission.

#### Tydavnet Group Water Scheme Co-Op Ltd.

- Drinking Water Supply in Tydavnet and surrounding area is provided by Tydavnet Group Water Scheme which is a privately operated and owned community operative. The submission outlines that no request for connection to the group water scheme has been made for the proposal. The GWS would not be in a position to grant a connection without major capital works being carried out at the developer's expense.

#### EHP Services on behalf of Tydavnet Tidy Towns Committee, Tydavnet, Co. Monaghan.

- The proposal would result in a 28.8% increase in new dwellings within the village and constitutes an unsustainable quantum of development for a Tier 5 settlement.
- NPF NPO 3a doesn't apply to a Tier 5 settlement such as Tydavnet and the development does not relate to a brownfield or infill site. The appeal site is peripheral to the village and would constitute a piecemeal development which is incompatible with the existing pattern of development in the area.
- No justification for the proposal has been provided on the basis of population.
- The proposal is contrary to Development Plan policies SHO5, RS02, CSP5 CSP6 and CSP7 which seek to consolidate settlements, retain visual identity and retain the character of Tier 5 and Tier 6 rural settlements. House types are contrary to HSP6.
- Future growth within the settlement should be directed and encouraged on brownfield/infill/derelict sites in accordance with policies HSP10, SS07 and CCP3.

- Proposed layout represents Phase 1 of a longer term plan to see the entire site developed.

3.4.2. The applicant's response to the Monaghan County Councils request for further information was deemed significant and readvertised. 2 no. submissions were received. The following provides a summary of the points raised.

EHP Services on behalf of Tydavnet Tidy Towns Committee, Tedavnet, Co. Monaghan.

- The FI response does not provide a substantive response to many of the substantial planning issues raised.
- The proposal remains a form of development which fundamentally contravenes the settlement hierarchy.

Kevin, McNally

- The development is contrary to Policy RHP4 of the CDP which states that permission for a residential unit within 100m of an agricultural building shall only be permitted in instances where written consent has been provided by the owner/occupier of the agricultural unit. The observer owns and operates an agricultural building within 100m of the site and no letter of consent has been provided.
- Traffic calming measures are required on the adjoining road network as speeds exceed the existing limit.
- The design lacks quality and includes kitchen/dining spaces on the northern elevation and north facing sunrooms (units 1-7). The layout of the estate road is inconsistent and creates a disjointed housing arrangement between units 9-10. Concerns are raised in relation to the quality of the proposed public open space.
- A justification for the proposal has not been provided in particular given the lack of house type and mixture. The proposal is contrary to HSP6. Other lands are more sequentially preferable.
- The proposal is contrary to national policy and the policies and objectives of the Monaghan County Development Plan.

- The applicant has not obtained consent for connection to the Group Water Scheme.
- The proposal would set a precedent for further unsustainable development in the area.

## 4.0 Planning History

### Appeal Site

- PA Ref 07/1578 – application for 35 no dwellings on site lodged in July 2007 and withdrawn.

### Lands to the south-west of the site at opposite side of the R186

- PA Ref 20564 – application submitted for permission to construct a 15 unit residential development. Monaghan County Council issued a request for further information in February 2021. The FI request related to justification for the proposal in the context of the Tier 5 designation of Tydavnet, demonstration of demand for the proposal, revised design proposals to reflect the character of area, boundary details and separation distances between dwellings, Road Safety Audit etc. The timeframe for response to the FI was extended to November 2021 by Monaghan County Council.

## 5.0 Policy Context

### 5.1. Development Plan

#### Monaghan County Development Plan 2019-2025

##### Settlement Hierarchy

Table 2.2 of the County Development Plan sets out the settlement hierarchy for County Monaghan. Tydavnet is designated as a Tier 5 “Rural Community Settlement” within the County Settlement Strategy. These are identified within the MCDP as *“smaller cluster settlements that have existing congregation areas and services such as schools, shops, post offices, public houses and residential houses”*.

Objective SHO 5 seeks *“to support and encourage the development of Tier 5 settlements to ensure that local services are sustained in the rural community settlements”*.

Section 2.3.10 sets out the following guidance:

*“Residential development in these areas is only suitable at a small scale, reflective of the character of the existing settlement and will be promoted to alleviate the pressures for one-off housing in the open countryside”*.

### Core Strategy

The following policies are of relevance:

- Policy CSP 5: *“To preserve the character of Tier 5 and Tier 6 rural settlements by restricting the scale of development permitted within them and to ensure integration with the rural character of the area and the satisfactory provision of infrastructure services”*.
- Policy CSP 7: *“Proposals for residential development in the designated settlements will be determined in accordance with the provisions of the core strategy with regard to population growth, the ability of the proposal to enhance the character of the settlement, the demand for the proposed quantum and type of residential development within the settlement and compliance with relevant development management criteria as set out in this development plan”*.

Table 2.4 of the CDP “Core Strategy Table” identifies a requirement for 473 no. residential units to serve Tier 5 and 6 settlements by 2025.

### Rural Area Types

Section 2.8 of the CDP identifies rural area types for Monaghan. The settlement is classified as Category 2- Remaining Rural Areas. The following guidance is set out for Category 2 areas:

*This area comprises all other rural areas outside of the settlements and the rural areas under strong urban influence. Within the remaining rural area, it is recognised that sustaining smaller community areas is important and as such it is considered appropriate to facilitate rural housing in accordance with the principles of proper planning and sustainable development. In these areas the challenge is to retain*

*population and support the rural economy while seeking to consolidate the existing village network. This stability is supported by a traditionally strong agricultural economic base.*

- Objective RSO 4 seeks *“To maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing town and village structure”.*
- Policy RSP3 seeks *“To facilitate rural housing in the remaining rural areas subject to the relevant planning policies as set out in Development Management Chapter of the Monaghan County Development Plan 2019-2025”.*

Section 2.7 of the Plan relates to housing in Rural Settlements including Tier 5 and Tier 6 settlements. The following is noted in this regard: *“The Core Strategy of this Plan identifies a number of established settlements within Tier 5 and 6 of the settlement hierarchy in County Monaghan. These include Rural Community Settlements and dispersed cluster settlements that have existing congregation areas and services such as schools, shops, post offices, public houses and residential houses. It is recognised that these settlements have a role to assist in satisfying rural housing need within a structured low-density environment and provide a more sustainable pattern of development to the scattered one-off housing...The low-density residential development policy as set out in the Development Management Chapter is also open to consideration in those Tier 5 and 6 settlements which have public foul drainage systems”.*

RSO 2: To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out section 2.7.1.

Section 2.7.1 outlines that applications for residential development within the Tier 5 and 6 settlements will be considered where the following has been demonstrated:

- The developer has provided evidence to the satisfaction of the planning authority that there is a demand for the proposed residential development taking account of the extent, nature and status of extant permissions for residential development, unfinished housing developments and vacant residential properties in the settlement.

- The proposal contributes to the sequential development of the settlement from the centre outwards and/or represents an infilling\* of the existing settlement footprint.

\* Infilling constitutes the development of a small gap within a substantially built up frontage or where the development of a gap within existing development would represent the sustainable development of the settlement.

## Rural Settlement Policies – Tier 5 and 6 Settlements

### RSP 1:

(a) To require applications for development within the rural settlements to submit an assessment of the development site relative to the location, visual impact and other normal planning considerations including the ability to consolidate the settlement, enhance the existing character and strengthen a sense of identity and distinctiveness for the settlement.

(b) To only permit residential development and local level services such as small convenience shops, schools, post offices which are appropriate in scale and nature to these settlements.

(c) To consider applications for serviced sites in accordance with Policy RDP 5 as outlined in Development Management Chapter in those Tier 5 and 6 settlements which have capacity within existing public foul drainage systems. In all other instances, the application site must be 0.2ha and be served by an individual waste water treatment system which can be installed in accordance with EPA Code of Practice.

(d) Identified rural settlements within the rural areas under strong urban influence shall not be required to demonstrate a rural generated housing need.

### Residential Density

Section 3.2.2 of the CDP relates to residential density. This outlines that:

*“The development of low-density residential development within the designated settlements is provided to assist in providing choice of house type within a structured but low-density environment as an alternative to the development of one-off housing in the countryside. Within the five towns this type of development is permissible on*

*lands zoned as 'Proposed Residential B' and within those Tier 4, 5 and 6 settlements which have public foul drainage systems".*

### Development Management

Chapter 15 of the County Development Plan sets out Development Management Standards. The following standards are of relevance for the proposal.

Section 15.2.10 relates to Building Heights & Overshadowing. This outlines that all proposals must minimise overlooking, overbearing and overshadowing to ensure no significant adverse impact on adjoining properties. Project drawings determining the degree of impact may be requested. Shadow projection drawings in accordance with 'Site Layout Planning for Daylight and Sunlight; A guide to good practice (1991)' or 'Lighting for Buildings Part 2; A code of practice for day lighting (1992)' may be required.

### Multi-unit development

Section 15.7 relates to multi-unit residential development and outlines that multi-unit residential developments (2 units or more which have shared services) will not be permitted outside of the designated settlements of County Monaghan. Residential developments serviced by developer provided waste-water treatment systems, with the exception of single house systems, will be resisted.

Policy RDP 1 relates to multi-unit residential developments and seeks: *"to ensure all developments for multi-unit residential developments are consistent with the guidelines and best practice manuals issued by the DECLG in the planning for and provision of sustainable communities within new residential areas and are appropriate to the settlement within which they are proposed"*.

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

Section 15.7.1 of the CDP sets out guidance for designing the layout for new developments. Key principles cited include:

- respecting the character, street pattern, streetscape and building lines of the area,
- providing a hierarchy of interconnecting roads,



- a layout which is well connected and integrated with the surrounding area,
- creation of active frontage with corner sites providing dual frontage, extensive fencing fronting streets and public roads should be avoided,
- Provision of passive surveillance,
- Creation of different urban forms.

#### 15.7.8 Tier 5 & 6 Settlements

This section relates to proposals for low density residential development on suitable lands located within any of the designated Tier 5 and 6 settlements which have capacity within existing public foul drainage systems. An application for low density residential development or serviced sites shall be assessed in accordance with the following:

- (a) The development reflects the nature, scale and form of existing residential development in the settlement.
- (b) The development will represent sustainable and efficient use of existing infrastructure and services.
- (c) The arrangement of the development is complementary to the setting and character of the settlement.
- (d) Where it is proposed to develop serviced sites, the developer shall be required to submit a design brief for the entirety of the development, to ensure a continuity of design throughout. The brief shall specify details in relation to a maximum building to plot ratio, the form of dwellings, finishes, materials and boundary treatments, ensuring that they are complementary for the entirety of the development. The design brief should also confirm the sequencing arrangements for the release of sites to ensure that the development takes place in a suitable and co-ordinated manner. A condition shall be attached to any subsequent grant of permission ensuring that all dwellings within the development comply with this brief.
- (e) It is demonstrated that the required infrastructure can be provided for at the developer's expense.

Policy RDP 5 seeks: *“To permit small scale multi-unit residential developments where infrastructure can be provided in accordance with the criteria set out by Section 15.7.8 of Chapter 15 of the Monaghan County Development Plan 2019-2025. Applications that result in the unsustainable expansion of a settlement, the loss of areas of amenity, important biodiversity areas, community facilities or playing fields will be resisted”*.

Policy RDP 9 seeks: *“To require that public and private amenity space provision is in accordance with the standards and requirements as set out in Section 15.8 of Chapter 15 of the Monaghan County Development Plan 2019-2025”*.

Objective SIO3 seeks: *“To require that the quantitative and qualitative standard for public open space in all new residential developments as required in Chapter 15 (Development Management) of the Monaghan County Development Plan 2019-2025 are complied with”*.

Relevant quantitative standards set out within the plan include the following:

- Table 15.2 sets out minimum Open Space Standards for residential developments: A requirement for 15% open space is set out for 0-40 dwelling units.
- Table 15.3 sets out Private amenity space standards of 70 sq.m. for 3+ bedroom houses.
- Table 15.6 sets out minimum car parking standards for development. This identifies a requirement of 2 spaces per dwelling unit.

## **5.2. Sustainable Rural Housing Guidelines 2005**

A number of rural area typologies are identified within the Guidelines including Areas under Strong Urban Influence, Stronger Rural Areas, Structurally Weak Areas and Predominately Dispersed Settlement Areas.

Map 1 of the guidelines provides an indicative outline of the NSS Rural Area types. Tydavnet appears to be located within “Areas under Strong Urban Influence” within Map 1 as illustrated within the attached presentation document.

The Guidelines set out the following guidance for development within these areas:

*“Rural areas under strong urban influence. These areas will exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network”.*

The guidelines refer to the indicative nature of the Map and state that further detailed analysis of different types of rural areas would be carried out within the Development Plan process.

Section 2.3 of the Guidelines relates to strengthening Rural Villages and Towns. This outlines that: *“Planning authorities need to ensure that cities, towns and villages offer attractive and affordable housing options to meet the housing needs of urban communities and persons wishing to live in urban areas. This will assist in mitigating excessive levels of pressure for urban generated development in rural areas, especially those closest to the environs of cities and towns”.*

### **5.3. Sustainable Residential Development in Urban Areas (2009)**

Chapter 6 of the Guidelines relates to development within small towns and villages. The Guidelines define a smaller town or village as having a population ranging from 400 to 5,000 persons.

Section 6.3(d) relates to alternatives to urban generated housing in small towns and villages and outlines that *‘in some limited circumstances, notably where pressure for development of single homes in rural areas is high, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.’*

Section 6.3(e) advises that the scale of new residential schemes in small towns and villages ‘should be in proportion to the pattern and grain of existing development’ and suggests that the development of these settlements may be controlled, for example that no single proposal should increase the housing stock by more than 10-15% or that, for villages of under 400 in population, any individual scheme for new housing should not be larger than about 10-12 units due to an absence of a sufficiently

developed local infrastructure such as schools and community facilities to cater for development.

Section 6.8 of the Guidelines refers to layout and design considerations. This outlines that “the primary consideration, in respect of layout design and space standards, is that new development relates successfully to the structure of the smaller town or village”. In this regard it is stated that “each residential scheme within a small town or village should be designed to:

- Make the most effective use of the site.
- Make a positive contribution to its surroundings.
- Have a sense of identity and place.
- Provide for effective connectivity.
- Include a design approach.

Section 6.11 relates to densities for edge of centre sites. This outlines that the emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.

In relation to densities applicable in the edge of small town/village Section 6.12 of the Guidelines outlines that in order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

#### 5.4. Natural Heritage Designations

The site is located c7.6km to the east of Eshbrack Bog NHA (Site Code 001603) and c. 5.6km to the east of the Slieve Beagh SPA (Site Code 004167).

#### 5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application. The proposed development falls within the categories of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:
- 10(b)
- (i) Construction of more than 500 dwelling units.
  - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 5.5.2. The proposal is for 12 residential units on a site of 0.688ha. The proposed development falls below the development threshold and mandatory EIA is therefore not required.
- 5.5.3. I have given consideration to whether sub-threshold EIA is required. The introduction of a small scale residential development on existing greenfield lands will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any designated Natura 2000 site (as discussed in Section 7.7 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public waste water network, group water scheme and on site surface water drainage.
- 5.5.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands adjacent to the existing built up footprint of Tedavnet,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to mitigate the impact of the development on any such site,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.5.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary (See Preliminary Examination EIAR Screening Form).

## **6.0 The Appeal**

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

A third party appeal was received by EHP Services on behalf of Tydavnet Tidy Towns Committee. The following provides a summary of the grounds of appeal:

- The development of the site will result in the loss of a site which has a long established association with providing sporting, recreation and event space for the village and hinterland populations.
- The proposed scale, quantum, design and layout of the proposal is not in accordance with the physical and visual characteristics of the rural setting.

- The principle of the development is incompatible with the designation of the settlement as a Level 5 centre and is not supported by the NPF, County Settlement Hierarchy and policies articulated in the County Development Plan (including CSP7).
- A robust assessment of housing demand has not been provided by the applicant. The development would be principally occupied by people who have no links to the local community or rural area thereby facilitating the incremental conversion of Tydavnet into a dormitory settlement.
- The development of a greenfield site does not promote consolidated growth of Tydavnet. A number of sites closer to the village core would provide a more sustainable option for new housing.
- The design and layout is not in accordance with the existing pattern of development in the vicinity. The suburban layout and design provide a homogenous development more akin to larger towns and villages. The development is visually incompatible with the surrounding vernacular.
- The development is contrary to Policies CSP 7, HSP 6 and RDP2 of the County Development Plan and the Sustainable Residential Development in Urban Areas Guidelines. The proposal materially contravenes Policies SIO3 and RDP 2 of the County Development Plan.
- The proposal would set an undesirable precedent for future inappropriate and unsustainable development in the area.

## 6.2. Applicant Response

A response to the grounds of appeal was provided by Genesis Planning Consultants on behalf of the applicant. The following provides a summary of the points raised:

- Principle of Proposal: The principle of the proposal is acceptable and in accordance with National, Regional and Local policies which are supportive of the development of small scale residential development in village locations. The following is stated in this regard:
  - The proposal is consistent with Objectives 3A, 15, 18b, 32 and Section 5.1 of the National Planning Framework,

- The proposal is consistent with the strategic objectives of the RSES which seek regeneration and renewal of small towns and villages in rural areas,
  - The proposal is consistent with the Sustainable Residential Development in Urban Areas Guidelines in particular sections 3.1, 3.11, 4.6, 4.15 and 6.12 and Section 2.3 of the Sustainable Rural Housing Guidelines which seeks “strengthening rural towns and villages”.
  - The proposal is consistent with the principles contained in the Urban Design Manual- A best practice guide
  - The proposal is consistent with the policies and objectives of the Monaghan County Development Plan 2019-2025.
- The proposal represents consolidation of the village, and the detached dwellings are consistent with the character of the area. The grounds of appeal which state that the proposal is a greenfield site, physically disjointed from the village core and constitutes inappropriate ribbon development are unfounded. Monaghan County Council have accepted that the site is sequential to the village pattern given its location within the 50kmph speed limit of the village.
  - Housing Demand: In this regard reference is made to the FI response which sets out a justification for the proposed residential development. In addition, correspondence is attached from the Housing Section of MCC which confirms that 6 no. houses at Ard na Greine to the north of the site were acquired by MCC, a survey of the village confirmed that there are no vacant properties in the village and correspondence from Monaghan Property Sales which confirms that there is only one property for sale in the village. The proposal is justified in a village context where no dwellings have been constructed since 2008.
  - Design and Layout: The proposed design is a response to the built context of Tydavnet. Concerns are raised out within the appeal relating to design, layout and open space provision are fully addressed in the proposal.
  - Undesirable Precedent: There is no basis on which to deem the proposal setting an undesirable precedent. The proposal is consistent with Policy HS01 and the broad policy objectives set out within the County Development Plan.



- Use of the Site: The appeal refers to the historical use of the site for sporting/community activities. The lands are not zoned for sporting/recreational use.
- Validity of Appeal: In this regard a case is made that the stated address of the appellant is incorrect. Reference is made to Section 127 of the Planning and Development Act and case law (2019 no. 269 JR Brendan Dalton and An Bord Pleanala). The Board is requested to review the validity of the appeal on grounds that no valid address has been provided as part of the appeal documentation.

### 6.3. Further Responses

An observation on the applicant's response to the grounds of appeal was submitted by Seamus McCarvill, Chairman of the Tydavnet Tidy Towns Committee. The observation provides a response to a number of specific points raised within the applicant's response to the grounds of appeal. The following provides a summary of the points raised.

- The applicant acknowledges that Conc na Greine is a site under construction. The development of the unfinished estate and brownfield site is more appropriate sustainable and in keeping with national, regional and local policies and objectives than the piecemeal and ad hoc development of the peripheral and greenfield appeal site.
- While the proposal provides a variety in terms of house types, there is no diversity in terms of bedroom numbers. The proposal includes 7 no. 3 bed dwellings and 5 no. 4 bed dwellings. This is contrary to Policy HSP6 of the County Development Plan which requires private housing schemes to have a minimum of 10% as two bedroom units.
- The green spaces within the development reflect a design and layout which is principally and primarily orientated inwards to serve the new development and not the wider community. Both green spaces are not physically accessible or visually connected to the public domain. The amenity spaces fail to meet the qualitative standards set out within the 2009 Sustainable Residential

Development in Urban Areas Guidelines and materially contravene CDP policies SIO3 and RDP2.

- The appeal site has been a vital and central focal point of community events and activities for decades. The loss of the appeal site will have a negative impact on the community.
- Reference is made to the appellant's questioning of the validity of the appeal on the basis of the appellant's postal address. A case is made that there is no material difference between the address provided on the observation and correspondence from An Bord Pleanála was successfully delivered to the appellant.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of the Proposal
- Density, Design and Layout
- Impact on Residential Amenity
- Access and Parking
- Other
- Appropriate Assessment

### **7.2. Principle of Proposal**

The grounds of appeal primarily assert that the scale of the proposal is incompatible with the designation Tydavnet as a Level 5 centre within the County Settlement Hierarchy and is not supported by national planning policy or the policies and objectives of the Monaghan County Development Plan.

7.2.1. At the outset I consider the principle of the proposal. The proposed development seeks planning permission for the construction of 12 no. residential units on a

greenfield site off the R186 on the southern approach to Tydavnet. Tydavnet is designed as a Tier 5 “Rural Community Settlement” within the Monaghan County Settlement Strategy. The MCDP confirms that “lands outside the designated Tier 1-4 settlements set out within the core strategy are “rural” for the purposes of the plan.

- 7.2.2. Although lands within the Level 5 settlements are not zoned, the policies and objectives of the Monaghan County Development Plan 2019-2025 support small scale, low density residential developments within such areas which is reflective of the character of the existing settlement to alleviate the pressures for one-off housing in the open countryside. The rationale for the proposal as set out within the application documentation is to provide a sustainable alternative to one off housing. In principle, I consider this format of residential development can be deemed acceptable in a Tier 5 settlement in accordance with policies and objectives of the Monaghan County Development Plan and Section 2.3 of the Sustainable Rural Housing Guidelines which seeks “strengthening rural towns and villages”.
- 7.2.3. Concerns are raised within the appeal in relation to the sequential location of the site within the settlement on a greenfield site, physically disjointed from the village core. It is stated that the proposal is contrary to Policy RSO 2 of the MCDP in this regard. The appellant furthermore outlines that the proposal constitutes inappropriate ribbon development and would result in the loss of a site which has a long established association with providing sporting, recreation and event space for the village and hinterland populations contrary to Policy RDP5.
- 7.2.4. Policy RSO 2 seeks of the MCDP seeks *“to permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out section 2.7.1”*. The criteria cited in this regard include demand for proposed residential development and the sequential location of the site. In sequential terms I consider the appeal to be classified as an edge of centre site, located adjacent to the footprint of the settlement. The development of the site would result in a continuation of the existing public footpath from the village core and would connect to the existing foul service network. I consider that the applicant has provided sufficient evidence to demonstrate that there is demand for residential development within Tydavnet in accordance with the requirements of Section 2.7.1 of the MCDP.

- 7.2.5. While I note the reference within the grounds of appeal to the previous use of the site for recreational purposes, I do not consider that this would preclude its development. The site is privately owned and in agricultural use. In this regard, I do not consider that the proposal is contrary to Policy RDP5 in this context which states that *“Applications that result in the unsustainable expansion of a settlement, the loss of areas of amenity, important biodiversity areas, community facilities or playing fields will be resisted”*.
- 7.2.6. Having regard to the above reasons and considerations I consider that the principle of residential development on the site can be considered acceptable subject to design and layout considerations as detailed below.

### **7.3. Density, Design and Layout**

- 7.3.1. The appeal site is located on the southern edge of Tydavnet along the R186. The site is greenfield and in agricultural use and semi-rural in character due to the absence of a public footpath and the presence of hedge planting along the road edge. Built form in the immediate vicinity of the site includes low-density bungalows to the north and south. The Tydavnet Community Centre is located at the opposite site of the R186.
- 7.3.2. The development, as amended in response to Monaghan County Council’s request for further information, provides 12 no. detached dwellings arranged in a linear format facing onto a centrally located access road. The residential units are set back from the road edge and public open space is provided to the west of the site at either side of the access road. The application documentation sets out a design rationale for the proposal based on the following principles: providing a mix of house types, provision of an appropriate density to ensure integration with the rural character of the area, creating a high quality residential environment and strengthening the village of Tydavnet via a sustainable use as an alternative to one-off rural housing.

#### **Density**

- 7.3.3. While the principle of the proposal can be considered, the scale and density of development is of significance in considering the proposal. As earlier stated, the guidance for residential development within designated Tier 5 centres as set out within the MCDP supports “small scale” and “low density” development. The guidance set out within Section 15.7.8 of the Development Plan relates to proposals

for low density residential development on suitable lands within designated Tier 5 and Tier 6 settlements which have capacity within the existing foul drainage system.

- 7.3.4. I refer to the guidance set out within Section 6.3(e) of the Sustainable Residential Development in Urban Areas (2009) which advises that due to the scale of smaller towns and villages it is preferable that expansion proceeds on a number of well integrated sites around the town/village. For villages of under 400 in population, any individual scheme for new housing should not be larger than about 10-12 units. The “Tydavnet” ED had a population of 992 persons in 2016 and the Small Area (Reference 177068003) had a population of 354 persons in 2016. Having regard to the census data and existing social and physical infrastructure within the settlement I consider Tydavnet to fall within this category. The proposal is within this threshold. I consider that the quantum of units is therefore acceptable in this regard.
- 7.3.5. The proposal comprises 12 no. houses on a 0.688ha site resulting in a density of 17.44 units per ha. Low density is defined elsewhere in the MCDP as c.10 units per ha (Section 15.7.7 & RDP 4 which relates to Low density residential development, including serviced site on Proposed Residential B lands -Policy RDP4 identifies a maximum of 10 units per ha-, Section 2.4.2 Housing need demand assessment).
- 7.3.6. Having regard to the guidance set out within the MCDP, I am not convinced that the proposal with a density of 17.44 units per ha would fall within the classification of “low-density” within the context of the Monaghan County Development Plan 2019-2025 and the existing pattern of development within Tydavnet. I furthermore refer to the guidance set out within Section 6.12 of the Sustainable Residential Development in Urban Area Guidelines which refers to densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages “in controlled circumstances” as an alternative to the provision of single houses in surrounding unserviced rural areas. I note the reference by the applicant to the density of the scheme being consistent with the density permitted at Cnoc na Greinne (PA Ref 03/1063 and 08/1292). However, this site is more centrally located within the settlement and was permitted under a different policy context.
- 7.3.7. Notwithstanding the above, I consider that density is just one of many factors which influence the quality of a development. I note that the Sustainable Residential Development in Urban Area Guidelines identify densities of 20 to 35 units per ha for

edge of centre sites in small towns and villages. I refer to the guidance set out in Section 6.8 of the Sustainable Residential Development in Urban Area Guidelines which outlines that *“the primary consideration in respect of layout, design and space standards, is that new development relates successfully to the structure of the small town or village.* The overarching policies of the MCDP and national guidance seeks the consolidation of existing towns and villages.

#### *Impact on Character of Area*

- 7.3.8. I refer to the guidance set out within Section 6.3 (e) of the Sustainable Residential Development in Urban Areas Guidelines (2009) which advises that the scale of new residential schemes in small towns and villages *‘should be in proportion to the pattern and grain of existing development’* and the design and layout considerations set out in Section 6.8 of the guidelines. These objectives are reflected in Policy CSP 5, of the Monaghan County Development Plan which seeks *“To preserve the character of Tier 5 and Tier 6 rural settlements by restricting the scale of development permitted within them and to ensure integration with the rural character of the area and the satisfactory provision of infrastructure services”*, the guidance for Tier 5 and Tier 6 centres set out in Section 15.7.8 and Policy RSO2 of the Development Plan.
- 7.3.9. Concerns relating to the design and layout of the proposal are raised within the 3<sup>rd</sup> party appeal. It is stated that the design and layout is not in accordance with the existing pattern of development in the vicinity and is visually incompatible with the surrounding vernacular and the suburban layout and design provide a homogenous development more akin to larger towns and villages.
- 7.3.10. I note that concerns relating to the suburban design and layout of the proposal were raised within Monaghan County Council’s request for further information. In responding to the Council’s request for further information revised plans were submitted which reduced the overall number of units from 13 to 12, increased the quantum of public open space and proposed revised finishes for the units from render and brick materials to render and natural stone. I consider that the proposed finishes are appropriate and consistent with existing development within Tydavnet which comprises a mix of stone and render as illustrated within the attached

presentation document. Notwithstanding the revisions made I note that the general form and layout of the development remained largely unaltered.

- 7.3.11. On an overall basis, I do not consider that the concerns relating to the design and layout of the proposal as articulated within MCC's request for further information have been appropriately addressed in the revised proposal. I consider that the design of the scheme (dwellings and layout) is suburban in form and character and the layout fails to respond, in any meaningful way, to the site context. I consider the proposal to be contrary to the guidance set out within Section 6.8 of the Sustainable Residential Development in Urban Areas Guidelines and that set out for "low density" residential development in Tier 5 and 6 centres as set out within Section 15.7.8 of the Monaghan County Development Plan which outlines that (a) The development reflects the nature, scale and form of existing residential development in the settlement and (c) the arrangement of the development is complementary to the setting and character of the settlement. I furthermore consider the proposal to be contrary to Policies CSP5, RSO2 and RDP5 in this regard.
- 7.3.12. I consider that the proposed layout with units set back from the public road fails to provide any visual integration with the settlement. I consider that the location of the public open space is inappropriate along the public road rather than integrated within the development resulting in reduced quality amenity space.
- 7.3.13. The applicants FI response provides a rationale for the positioning of the public open space within the development on the basis of its potential to act as a village green directly opposite the community centre and act as a focal point creating a sense of place. It is stated that units 01 and 12 incorporate dual frontage to provide roadside interaction and supervision of the open space. I note the applicant's reference to the existing layout at Cnoc na Greinne which includes the arrangement of dwellings along an estate road and open space along the roadside overlooked by dwellings. I refer to Figure 8 of the applicants FI response which illustrates the permitted layout at this development. On review of the layout, I note that all dwellings overlook the centrally located public open space and I consider that the location of the site within the centre of Tydavnet would render the open space more accessible to the local community. By contrast, I consider passive surveillance offered by the proposed dwellings to be limited and I consider that the quality of the amenity of this space will be compromised on the basis of its location adjacent to the public road and limited

opportunity for active and supervised safe play area. The proposal is contrary to the guidance set out within Section 15.7.2 of the MCDP in this regard which outlines that houses should overlook streets, footpaths, pedestrian paths, cycle routes and open spaces and Objective SIO3 of the MCDP.

- 7.3.14. In my view a simpler architectural form is warranted which responds to the local context and to the adjacent public road. On an overall basis, I consider that the proposed development is suburban in form and the form and layout fails to respond to the existing village context.

#### **7.4. Impact on Residential Amenity**

##### *Residential Amenity of Proposed Units*

- 7.4.1. A Schedule of Accommodation is set out within the Title Sheet and Site Location Map prepared by HQ Building Design Limited (Drawing no. S000). The internal layout of each of the proposed houses, in particular the combined living space and bedrooms, exceeds the recommendations of the Quality Housing for Sustainable Communities (2007) guidelines, as referenced by the development plan.
- 7.4.2. I note the guidance set out within Section 15.2.10 of the Development Plan which outlines proposals must minimise overlooking, overbearing and overshadowing to ensure no significant adverse impact on adjoining properties. It is stated that Shadow projection drawings in accordance with 'Site Layout Planning for Daylight and Sunlight; A guide to good practice (1991)' or 'Lighting for Buildings Part 2; A code of practice for day lighting (1992)' may be required. No daylight/sunlight assessment has been submitted in conjunction with the application. However, given the level of separation between houses, both within the site and to adjacent housing, I am satisfied that the houses would receive adequate daylight/sunlight, in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (BRE, 2011).
- 7.4.3. Private open space for each property is provided in excess of Development Plan Standards. Public open space within the development is provided along the western site boundary within 2 separate areas to the north and south of the internal access road. The quantum of public open space within the development at 20.6% exceeds Development Plan standards of 15%. However, as earlier detailed I have concern in



relation to siting of the open space within the scheme adjacent to the adjoining public road, the fact that it is physically separated by the internal access road.

*Impact on Residential Amenity of adjacent properties*

- 7.4.4. The closest residential property to the development comprises the existing detached property to the north of the site. Units 1-6 which are located along the northern boundary all incorporate separation distances in excess of 11m from the adjoining site to the north. Having regard to the nature and scale of the proposed development, which is two storey and the set back of the development from the adjacent detached residential property to the north, the existing and proposed boundary treatment, I agree with the view of the Planning Authority, that the proposed development would not seriously injure the residential amenities of the adjacent properties by way of overlooking or overshadowing.
- 7.4.5. Separation distances for Units 7 to 12 which adjoin the southern site boundary are less than 11m (ranging from 10.8m for Unit 9 to 7.04m for Unit 11). The proposed boundary treatment along the southern site boundary comprises a 1.8m high timber fence. The southern site boundary adjoins lands in agricultural use in the ownership of the applicant. I consider separation distances to be acceptable having regard to the characteristics of the adjoining site.

**7.5. Access and Parking (New Issue)**

- 7.5.1. The western boundary of the site adjoins the R186. The site is located within the 50km/ph speed limit of the village and the R186 runs in a straight alignment in the vicinity of the site. The site boundary is defined by a tree line and mature hedging along the road as illustrated within the attached presentation document. No footpath is provided along the site boundary, public lighting is provided.
- 7.5.2. The development is set back from the roadway to provide a public footpath along the western site boundary. The development also includes provision of a pedestrian crossing across the R186. In accordance with the requirements of Condition 5 (h) of MCC decision updated drawings incorporating the provision of pedestrian crossing points on the R188 and LP-1020 to link the pedestrian walkway from the estate to the village shall be submitted for the written agreement of the planning authority prior to the commencement of development.

- 7.5.3. Access to the development is proposed via a new vehicular entrance from the R186. A secondary pedestrian/cycle access is provided onto the R186 via a pathway through the proposed open space. Sightlines of 49m in each direction are achievable at the site entrance in accordance with the requirements of DMURS as illustrated within the Proposed Site Layout Plan Drawing no. S002. The existing lampposts along the adjacent to the site boundary are proposed to be relocated in order to achieve the visibility splays. No objection to the proposed relocation of the lampposts is raised by MCC subject to condition. The proposed sightlines accord with DMURS for a 50km/h road design speed and are, in my view, acceptable.
- 7.5.4. Internally within the site, the proposed access road is 6m in width with 2m footpaths provided at either side of the road. A turning circle and hammer head type turning area are provided. I consider the proposed internal road network to constitute an over engineered response to the layout. In this regard, I would note that the Design Manual for Urban Roads and Streets (DMURS) recommends a standard carriageway width on local streets of 5 to 5.5 metres and a shared surface width of not more than 4.8 metres (Section 4.4.1 refers). This point could be addressed by means of condition in the instance of a grant of permission. In curtilage parking for 2 no. cars is provided for each residential unit in accordance with Development Plan requirements.
- 7.5.5. A gated entrance to the adjacent agricultural lands to the south is indicated within the revised Site Layout Plan submitted in conjunction with the FI response between proposed units 8 and 9. A notation on the drawing indicates that the main access to the lands will remain from the R186. The nature of the use of this access is not defined within the application documentation but given the existing land use I assume it would agricultural traffic. I have concern in relation to the use of the internal road network in this manner as agricultural traffic may give rise to potential conflict with vulnerable road uses such as pedestrians/ children within the development. I consider that the use of the internal street network to serve agricultural lands to the south may give rise to a traffic hazard.
- 7.5.6. In the instance that the Board is minded to grant permission for the development, I recommend that the proposed entrance to adjoining agricultural lands is omitted and revised proposals are submitted for the area in the vicinity of the turning circle.

## 7.6. Other

### Procedural/ Validation

- 7.6.1. The applicant's response to the third party appeal questions the validity of the appeal on the basis of inaccuracies in the address of the appellant. It is stated that the appeal should be declared invalid as the requirements of Section 127 of the Planning and Development Act have not been complied with. Reference is made to case law precedent (2019. No 269 J.R.) in this regard. I refer to the applicant's response in this regard which outlines that there is no material difference between the address provided on the observation and correspondence from An Bord Pleanala was successfully delivered to the appellant. I consider the appellants response to be sufficient in this regard.

### Foul Water

- 7.6.2. The proposed development includes a proposal to connect to the existing foul network. The proposed foul water design incorporates a gravity pipe system which connects to the public foul sewer on the Monaghan Road and a pumping station within Tydavnet. I note that there is no correspondence on file from Irish Water in relation to the principle of the proposal. However, no objection to the principle of the proposed connection is raised by the planning authority.

### Water Supply

- 7.6.3. Water supply is proposed via connection to the existing Tydavnet Group Water Scheme. I refer to correspondence from the Tydavnet Group Water Scheme attached to the applicant's response to MCC's which provides consent for the applicant to connect to the scheme subject to the applicant funding investment works to the network. The principle of water supply to the development is therefore established and I note that no objection has been raised by the planning authority to the proposed arrangements.

## 7.7. Appropriate Assessment

- 7.7.1. Section 3.9 of the Planning Report submitted in support of the application provides an AA Screening for the proposal. The applicant's assessment concludes the following:

*“The appropriate assessment screening has found that given the relatively small size and scale of the proposed development, the physical separation distance from Natura 2000 sites it is not considered the proposed development has the potential for significantly affecting the integrity of any Natura 2000 sites or their associated conservation objectives.*

*We submit a stage 2 appropriate assessment is therefore not required”.*

- 7.7.2. The applicants screening statement outlines that there are no Natura 2000 sites within 15km of the appeal site. However, I note that the site is located c. 5.6km to the east of the Slieve Beagh SPA (Site Code 004167). Slieve Beagh SPA 004167 / Slieve Beagh–Mullaghfad–Lisnaskea SPA UK902302. This cross-border SPA is designated in respect of the maintenance or restoration of the favourable conservation condition of the Hen Harrier. The Hen Harrier is listed as a feature of interest of the Slieve Beagh SPA which requires a mix of forestry and open area for optimum habitat. The appeal site is comprised of agricultural grassland, hedgerows and treelines and as such, there would be no loss of significant habitat as a result of the development.
- 7.7.3. In terms of hydrological links, I note that a small stream 240m to the east of the site which adjoins the nearby River Blackwater. The River Blackwater is not connected to any European Sites in the vicinity of the site and as such the potential for hydrological linkages is remote.
- 7.7.4. Having regard to the minor nature of the development, the absence of a pathway to and the separation distance from any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission is refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

The site is located within Tydavnet, a designated Tier 5 “Rural Community Settlement” within the Monaghan County Development Plan 2019-2025. Policy RSO 2 of the County Development Plan seeks “*To permit small scale residential development reflective of the character of the existing settlement in accordance with the relevant criteria set out section 2.7.1*”. The proposed development, by reason of its suburban layout and form and poor quality of open space would be out of character with the “pattern and grain of existing development’ in Tydavnet and in this regard is not in accordance with the guidance set out in the ‘Sustainable Residential Development in Urban Areas Guidelines 2009’ or the guidance set out within Section 15.7.8 of the Monaghan County Development Plan 2019-2025 or Policies CSP 5, RDP 2, RSO 2 and Objective SIO3 of the Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Stephanie Farrington

Senior Planning Inspector

20<sup>th</sup> of August 2021