



An
Bord
Pleanála

Inspector's Report ABP-310205-21

Development	Construction of dwelling, domestic garage and waste water treatment system.
Location	Derryilan, Carrickmacross, Co. Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	20333
Applicant(s)	Mark Garland.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Francis and Louise Flanagan.
Observer(s)	N/A.
Date of Site Inspection	21 st of July 2021.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site, has a stated area of 0.4ha, and is located at Derryilan, Carrickmacross, Co. Monaghan. The site is currently in agricultural use and located c.430 east of the N2. The site is currently occupied by the remains of a derelict single storey house as illustrated in the attached presentation document. A gated access to the site is provided via the existing local road which forms the southern boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises construction of a 2 storey house, domestic garage, wastewater treatment system and associated percolation area, entrance driveway and all associated site development works.
- 2.2. Concerns relating to the scale, design and layout of the dwelling and overall compliance of the proposal with the rural housing design guidance were raised by Monaghan County Council within their request for further information. Revised drawings were submitted by the applicant in March 2021. The overall scale of the dwelling was reduced, and a more simplified form and fenestration was proposed. I have based this assessment on the revised plans submitted to Monaghan County Council on the 24th of March 2021.

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 8 no. conditions. The following conditions are of note:

- Condition 1 (a) revised drawings illustrating removal of proposed detached garage. Reason: To secure a satisfactory/appropriate standard of design.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (13th of October 2020)

The initial planner's report recommended a request for further information. The following provides a summary of the issues raised:

- It is considered that the proposal would cause a detrimental impact on the rural character of the area due to its scale, bulk, size and form.
- The proposal doesn't respect the established pattern of development in the area in terms of its overall layout and is therefore contrary to Policy RCP 1 of the MCDP due to its adverse impact on rural character. Revised plans are sought in this regard.
- The proposal fails to comply with the requirements of Section 15.17 of the Monaghan Country Development Plan due to its scale, design and form.
- The garage is c. 140 sq.m. and located 33m from the proposed dwelling. No clear justification is provided for the size and scale of the garage proposal. The garage is contrary to the guidance set out within Policy RDP18 of the MCDP.
- The application site is located within a study area considered for a future national road scheme. Currently there is no preferred route for the scheme and it is considered that Policies TP4, NRP1 and NRP7 do not apply.
- The site falls outside any flood risk area.
- The site is not located in or within 15km of any Natura 2000 site. In addition, there are no watercourses in or along the site boundaries. The development is not of a nature or scale to have any significant effects on the integrity of Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.

A request for further information is recommended in relation to the following:

- Item 1: Revised design/layout in accordance with the requirements of Policy RCP 1 of the MCDP "Buildings in the Countryside".
- Item 2: Revised proposal in accordance with the Design Guidance for Rural Housing as set out within Policy RHP1 of the MCDP.

- Item 3: Revised drawings in compliance with the requirements of Policy RDP18 of the MCDP which relates to “Domestic Garages Stores and Outbuildings”.
- Item 4: Clarification in relation to the floor area and use of the attic.
- Item 5: Response to the submission on file.

Planner’s Report (16.04.2021)

Recommends a grant of permission subject to condition. The following points are raised:

- Revised plans have been submitted demonstrating compliance with Policy RHP1 of the MCDP.
- A condition shall be applied omitting the proposed garage.
- Attic floor area and associated velux windows have been omitted.

3.2.2. Other Technical Reports

Environmental Health Officers Report: (16th of September 2020). No objection to the proposal subject to conditions.

Road Condition Report: (dated 13th of October 2020). No objection to the proposal subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: Submission dated 17th of September 2020. The following points are raised:

- The proposal is contrary to Section 2.5 of the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities (January 2012) which seeks to avoid the creation of additional access points from new development to national roads.
- The site is located within an area considered for a future national road scheme. The proposed development is premature pending the determination of this route and is contrary to Section 2.9 of the DoECLG Spatial Planning and National Road Guidelines in this regard.

Transport Infrastructure Ireland: Submission dated 9th of April 2021. Position remains the same as per original submission dated September 2020.

3.4. **Third Party Observations**

One third party observation was received from the adjoining residents to the east of the site, Francis and Louise Flanagan, within the initial 5 week statutory consultation period. The following provides a summary of the issues raised:

- Inaccurate address;
- A letter of consent from the landowner has not been provided;
- Flaws in traffic survey; - survey does not reflect traffic flows as schools were closed and movements were restricted during the Covid 19 pandemic;
- Insufficient information on application drawings in relation to site levels;
- Dwelling lacks integration and does not respect the building line;
- Overlooking and loss of privacy issues;

A further submission was received from Francis and Louise Flanagan on the applicant's response to MCC's request for further information. The following points are raised:

- Points raised within initial submission on the application have not been addressed;
- Concerns are raised in relation to the proposed window for the kitchen/living/dining room which would overlook the property.
- Reference is made to the proposed WWTS and percolation and second soakpit positioned to the rear of the existing dwelling on site.

4.0 **Planning History**

PA Ref 19/317 – Application for 2 storey dwelling, wastewater treatment system, associated percolation area and entrance driveway deemed withdrawn in April 2020 further to a request for further information issued in relation to access and sightlines, design and wastewater treatment.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Monaghan County Council. The Monaghan County Development Plan 2019-2025 is the operative Development Plan for the area. The site is located on un-zoned lands outside of any settlement.

Rural Area Types

- 5.1.2. 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”.*

Rural Housing Policy

- Policy HSP 15: To require all applications for rural housing to comply with the guidance set out in Development Management Chapter.
- Policy HSP 16: To ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and

that respect their location in terms of siting, design, materials, finishes and landscaping.

Development Management

5.1.3. Section 15.16 of the Development Plan indicates that it is vital that any new buildings being proposed do not further erode the rural character of rural areas.

5.1.4. Policy RCP 1 of the Development Plan states that the Planning Authority shall seek: *“to only grant planning permission for a building in the countryside where it is demonstrated that the development will not cause a detrimental impact or further erode the rural character of the area. Any new buildings will be unacceptable where:*

- *It is unduly prominent in the landscape.*
- *It results in build up of development when viewed with existing and/or approved buildings and where it would detrimentally impact on the rural character of the area.*
- *It does not respect the traditional pattern of settlement within the area.*
- *It creates or adds to a ribbon of development except where it is considered infill or a replacement building.*
- *The impact of the ancillary works including the creation of visibility splays would damage the rural character of the area”.*

5.1.5. Policy RHP 1 of the Development Plan states that: *“applications for one-off housing in the rural areas shall demonstrate compliance with the design guidelines as set out in Table 15.4 “Design Guidelines for Rural Housing”.*

5.1.6. Section 15.17 relates to Housing in the Rural Area.

5.1.7. Policy RDP 18 of the Development Plan sets out the policy for domestic garages, stores, and outbuildings.

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

Transport and Infrastructure

5.1.9. Table 7.2 identifies Strategic National Road proposals for Co. Monaghan. The Plan outlines that these national road projects that form key routes and linkages with other development centres, sea-ports and airports will be advanced in partnership with Transport Infrastructure Ireland.

1. N2/A5 - Clontibret – NI Border
2. N2 - Ardee – Castleblayney Road Upgrade

5.1.10. Section 7.8 of the Development Plan outlines that TII have committed to providing additional funding for an online upgrade of the N2 extending from north of Ardee to south of the Castleblayney bypass and this project is at preliminary stages. This will be a joint project between Monaghan County Council and Louth County Council.

5.1.11. Section 7.8.1 sets out National Roads Policy and in relation to the N2 National Route policy NRP5 states:- *“To seek to progress and ensure the upgrade of the N2 in co-operation with Transport Infrastructure Ireland and the relevant adjoining local authorities.”*

5.1.12. The following policies are of relevance:

- Policy TP4: To plan for future traffic and transportation needs in County Monaghan and to ensure that new development does not prejudice the expansion of road and cycling corridors in the County. Proposed road routes, road realignment schemes and future cycle route corridors shall be kept free from development that would compromise their future delivery.
- Policy NRP1: To protect the traffic carrying capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently, by avoiding the creation of new access points or the generation of increased traffic from existing accesses onto the N-2, N-53, N-54, and N-12 outside the 60 km/h speed limit, in accordance with the DoECLG’s publication Spatial Planning and National Roads -Guidelines for Planning Authorities (2012).
- Policy NRP5: *“To seek to progress and ensure the upgrade of the N2 in co-operation with Transport Infrastructure Ireland and the relevant adjoining local authorities.”*

Variation no. 1 of the Monaghan County Development Plan 2019-2025

Variation no.1 of the Monaghan County Development Plan was adopted by Monaghan County Council in January 2020. The reason for the proposed variation is to ensure that development will not prejudice the improvements proposed to the N2 National Road. The variation includes the following additional policy.

- NRP 7: To protect the selected route of the N2 upgrade road scheme between Ardee and Castleblayney and the selected route between Clontibret and the border with Northern Ireland, and to prohibit development that could prejudice their future delivery.

5.2. National Planning Framework

- 5.2.1. Policy Objective 19 is of relevance to the proposed development. It requires the following:

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.*

- 5.2.2. National Strategic Outcome 2 seeks to build enhanced regional accessibility, including accessibility to the north-west of Ireland, with this including the upgrading of access to the north-west border area utilising identified routes including the N2.

5.3. Sustainable Rural Housing Guidelines 2005

- 5.3.1. 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.

5.3.2. Map 1 of the guidelines provides an indicative outline of the NSS Rural Area types. The site appears to be located within “Structurally Weak Area” within Map 1 as illustrated within the attached presentation document. The Guidelines set out the following guidance for development within Structurally Weak areas:

“The key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas. In addition, policies will normally include references to:

- Identifying potential development areas such as crossroad type settlements or population decline blackspots where appropriately located and designed clustered development will be both encouraged and accommodated,*
- Linkage to other policies aimed at enhancing development potential and availability of indigenous employment in weaker areas, for example by identifying potential for development of local enterprise, agri-tourism, waterway related development, tourist accommodation and renewable energy as some examples, and*
- Monitoring the operation of settlement policies on an ongoing basis in structurally weak areas to avoid excessive levels of or inappropriately located development”.*

5.3.3. 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.

5.3.4. 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”.*

5.4. **Spatial Planning and National Road Guidelines for Planning Authorities (2012)**

5.4.1. The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions. Key principles of the guidelines include integration of land use and transportation to minimise the need to travel and safeguarding against a proliferation of developments accessing national roads.

5.4.2. Section 2.7 of the Guidelines relate to the required Development Plan Policy on access to National Roads. This outlines that:

Lands adjoining National Roads to which speed limits greater than 60 kmh apply:

“The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant”.

5.4.3. Section 2.9 of the Guidelines relate to Protection of Alignments for Future National Road Projects. This states that:

“A development or local area plan should identify any land required for future national road projects including objectives that:

- *retain required lands free from development; and*
- *ensure that measures are put in place so that any adjacent development of sensitive uses, such as housing, schools and nursing homes, are compatible with the construction and long-term operation of the road.*

Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority”.

5.5. **Natural Heritage Designations**

The site is not located in or within 15km of any Natura 2000 or designated site.

5.6. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received by Francis and Louis Flanagan, Derryilan, Broomfield, Castleblayney. The appellants occupy the adjoining property to the east of the site. The following provides a summary of the grounds of appeal:

- Overlooking/loss of privacy.
- The development is raised above the level of their dwelling and would have a direct line of sight to the entirety of the property.
- The building line should be brought in line with the adjoining property. This would eliminate the problem of overlooking and restore the appellants privacy.
- Insufficient sightlines. Sightline of 35m cannot be achieved without consent from adjoining landowner.
- Velux windows on attic remain on revised drawings.

6.2. Applicant Response

The applicant has provided the following response to the grounds of appeal:

- In respect of loss of privacy reference is made to the existing boundary treatment which provides privacy to the adjoining property to the left. The boundary treatment to the right has been removed by the appellant.
- The sightline distance has no impact on the appellants property.

- Reference is made to deviations between the appellants existing and permitted development.
- Velux windows on the attic are for the purpose of letting light and air into the property and not for viewing.

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 Development
- Design, Layout and Impact on Residential Amenity
- Access and Transportation
- Drainage
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal site is located within an un-zoned area outside of any designated settlement in Co. Monaghan. The Monaghan County Development Plan 2019-2025 defines 2 no. types of rural areas, namely “Areas Under Strong Urban Influence” and “Remaining Rural Area”. The site is located within a Category 2 “Remaining Rural Area”. In accordance with the policies and objectives of the MCDP rural housing can be accommodated in such areas in accordance with the principles of proper planning and sustainable development subject to the relevant planning policies as set out in Development Management Chapter of the Monaghan County Development Plan 2019-2025” (Objective RSO4 and Policy RSP3).

7.2.2. The site appears to be located within “Structurally Weak Area” as defined within Map 1 of the Sustainable Rural Housing Guidelines for Planning Authorities. The guidance for development in these areas is to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any

environmentally sensitive areas. Policy NPF 19 of the National Planning Framework seeks to *“facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”*.

- 7.2.3. On the basis of the guidance set out within national and local policy, I consider the principle of the proposal to be acceptable subject to consideration of the issues set out in Section 7.1 above.

7.3. Design, Layout and Impact on Residential Amenity

Design and Layout

- 7.3.1. Policy RCP1 of the MCDP provides for dwellings in the countryside where they will not cause a detrimental impact or erode the rural character of an area. Table 15.4 of the MCDP sets out design guidance for rural housing.
- 7.3.2. Concerns relating to the scale, design and layout of the proposed house and overall compliance of the proposal with the rural housing design guidance were raised by Monaghan County Council within their request for further information. Revised drawings were submitted by the applicant on the 24th of March 2021. The overall scale of the dwelling was reduced, and a more simplified form was proposed. I agree with the concerns raised by Monaghan County Council within the request for further information and for the purposes of clarity have based my assessment on the revised layout submitted by the applicant on the 24th of March 2021.
- 7.3.3. On an overall basis, I consider that the proposed house design is acceptable, and the development can be adequately accommodated within the site. It is my opinion that it will have no material impact on the character or visual amenities of the area and the proposal would not be unduly dominant on the surrounding rural landscape. I consider the proposal to be in accordance with the design guidelines for rural housing as set out within Table 15.4 of the MCDP and the requirements of Policy RHP 1 of the MCDP in this regard.
- 7.3.4. I refer to the requirements of Condition no. 1 (a) of MCC’s notification of decision to grant permission for the proposed development which relates to the omission of the proposed garage. I share the opinion of the planning authority in this regard that the scale and siting of the garage renders it contrary to Policy RDP18 of the MCDP and

recommend its omission in the instance that the Board is minded to grant permission for the development.

Impact on Residential Amenity

- 7.3.5. The main grounds of appeal relate to the impact of the proposal on the residential amenity of the adjoining property to the east. Concerns relating to the siting of the dwelling, level differences and associated overlooking and impact on privacy are raised in this regard.
- 7.3.6. Policy RDP 24 of the MCDP outlines that: *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”*. The impact of the proposed house on the amenity of the adjoining property is of relevance in this regard.
- 7.3.7. The proposed house is set back over 39m from the adjoining public road to the south and 15.6m from the eastern site boundary. The appellant’s property is located c.48m to the east of the proposed house. The proposed property is south facing, and limited window openings are provided along the eastern elevation as illustrated in drawing no. PP-202. Having regard to the separation distance between the proposed house and adjoining property to the east and the orientation of the house I do not consider that undue overlooking arises.
- 7.3.8. Boundary treatment as illustrated on Drawing no. PP-101 includes native planting and a post and rail fence along the eastern site boundary. The proposed species mix have an indicative height of between 50-90cm. I refer to the requirements of Condition no. 4 of Monaghan County Council’s notification of decision to grant permission for the proposed development which outlines that planting details shall be completed prior to the occupancy of the dwelling and the requirement for supplementary tree planting along site boundaries. I consider the requirement of this condition to be appropriate in the instance of a grant of permission.
- 7.3.9. In conclusion, having regard to the separation distance between the proposed house and adjoining property to the east, the orientation of the house and the existing and proposed boundary treatment I do not consider that the proposal would result in undue overlooking of the appellants property.

7.4. Access and Transportation

- 7.4.1. A number of transportation related issues are raised within the third party appeal. The appeal outlines that the required sightlines are not achievable at the proposed site entrance and the necessary consent is not in place to achieve these. Concerns relating to traffic impact associated with the development are also raised. I also refer to the submissions on file from Transport Infrastructure Ireland which states that the proposal is premature pending a determination of a route for the N2 Ardee to Castleblayney Road Upgrade.

Roads Objective (New Issue)

- 7.4.2. At the outset I consider it appropriated to address the submissions on file from Transport Infrastructure Ireland. I refer to the submissions on file from Transport Infrastructure Ireland which outlines that the development is located within an area considered for a future national road scheme namely the N2 Ardee to Castleblayney Road Upgrade. The submission from TII outlines that the proposal could prejudice plans for the design of the scheme and the application is premature pending the determination of this route. It is stated that a grant of permission in this instance would be at variance with the provisions set out within Section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012).
- 7.4.3. Policy TP4 of the Monaghan County Development Plan seeks: *“To plan for future traffic and transportation needs in County Monaghan and to ensure that new development does not prejudice the expansion of road and cycling corridors in the County. Proposed road routes, road realignment schemes and future cycle route corridors shall be kept free from development that would compromise their future delivery”*.
- 7.4.4. The planner’s report which informs the decision of MCC to grant permission for the development outlines that the N2 Clontibret to the Border Scheme and the N2 Ardee to the south of Castleblayney is currently a project being progressed through pre-appraisal and early planning. The report outlines that currently there is no “preferred route” for the scheme and therefore Policy TP4 does not apply to the assessment of planning applications within the “study area” or preferred route area.

- 7.4.5. A Project Team for the N2 road schemes has been established including representatives from Monaghan County Council, Louth County Council, TII, Jacobs and the Department of Transport. I refer the Board to the Preferred Route Corridor for the N2 Ardee to Castleblayney as indicated on the attached presentation document published on the N2 Project Team website (<https://n2monaghanlouth.ie>). The site is located within the study area for the route but not within the preferred route corridor. Information published on the website for the scheme outlines that Phase 3 of the planning and design process has now commenced i.e. Design and Environmental Evaluation. This will involve further development of the scheme, including design of the road, identifying the land take required, junction design and the preparation of an Environmental Impact Assessment.
- 7.4.6. Section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012) outlines that: *“Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority”*. Having regard to the contents of the submission on file from TII, I note that the site has been confirmed within the study area for the upgrade but is not located within the preferred route corridor.
- 7.4.7. I refer to the wording of Policy NRP 7 as incorporated as Variation no. 1 of the Monaghan County Development Plan 2019-2025 which seeks: *“To protect the selected route of the N2 upgrade road scheme between Ardee and Castleblayney and the selected route between Clontibret and the border with Northern Ireland, and to prohibit development that could prejudice their future delivery”*. The reason for the variation is to ensure that development will not prejudice the improvements proposed to the N2 National Road.
- 7.4.8. While a preferred route has been identified for the upgrade and the appeal site lies outside of this area, the design process is not complete, and the full extent of the land take is to be determined. In addition, other environmental factors will have to be taken into account as the design is finalised. I refer to the submission on file from TII in this regard which outlines that *“the proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route”*. I consider that the proposal is premature pending the

finalisation of the route in accordance with the submission on file from TII and is contrary to the requirements of Policies NRP 7 and TP4 of the Monaghan County Development Plan 2019-2025 and the guidance set out within Section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

- 7.4.9. I furthermore consider that to permit the proposal would be contrary to National Strategic Outcome 2 as set out in the Project Ireland 2040 – National Planning Framework, 2018, which seeks to build enhanced regional accessibility including, accessibility to the North-West of Ireland, with this including the upgrading of access to the North-West border area utilising existing routes including the N2. I consider that national infrastructure objectives significantly outweigh the applicants desire for a dwelling in the rural countryside.
- 7.4.10. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.
- 7.4.11. I note the reference within the submission on file from TII which outlines that the proposal is contrary to the Guidance set out within Section 2.5 of the Guidelines which relates to direct access points on national roads. However, having regard to the proposed access arrangements from the local road I do not consider that this guidance is of relevance to the proposal.

Traffic Impact

- 7.4.12. In relation to traffic impact, I consider that the proposed development is small scale in nature and does not represent a scale or format of development which would generate significant traffic movements on the adjoining road network. I refer to the Traffic Survey prepared by McMahon Associates submitted in conjunction with the application. The survey outlines that existing traffic volumes on the road are low with a maximum of 3 vehicles observed during peak hours.
- 7.4.13. The planner's report which informs the decision of MCC to grant permission for the proposal outlines that these results were verified by the District Engineer in MCC. I note the comments by the appellant relating to the timing of the survey during Covid 19 restrictions, however I am satisfied that the development of a single house would not lead to a significant or unacceptable increase in the level of usage of the road.

Proposed Access/Sightlines

- 7.4.14. Access to the site is proposed via a new entrance from the local road which forms the southern boundary of the site. This road currently serves 3 no. houses in the vicinity of the site is restricted in width and currently overgrown in the vicinity of the site as illustrated within the attached presentation document.
- 7.4.15. The site is currently served by an existing agricultural access from the adjoining local road. The proposal includes the creation of a new vehicular access to the site from the road. Visibility splays of 35m at 2.4m from the road edge are illustrated within Drawing no. PP-101. Table 15.5 of the Monaghan County Development Plan sets out the following minimum requirements for visibility splays:
- Local Class 3: 42km/ph. – 50m at a setback of 2.4m
- 7.4.16. The guidance set out in Section 15.27.1 of the MCDP outlines that: *“In difficult circumstances the standards set out in Table 15.5 may be reduced where it is demonstrated by way of a survey and report completed by an independent suitably qualified professional, that a reduced standard would be appropriate and safe. In these circumstances the required ‘Y’ distance shall be calculated on the basis of the 85% percentile speeds on the applicable road”.*
- 7.4.17. A justification for the proposed reduced visibility splays is set out within the traffic survey submitted in conjunction with the application on the basis of the limited number of vehicles on the road and observed road speeds. I refer to the extract from the planner’s report dated 13/10/2020 which summarises advice from the Municipal District Roads Engineers that the road does not form part of a Restoration Improvement Scheme for the next 3 years meaning that the average speed is unlikely to increase. No objection to the proposed access arrangements and visibility splays is raised within the report on file from the District Engineer MCC subject to conditions. Condition no. 3 (a) of the notification of decision of Monaghan County Council to grant permission for the proposed development outlines that visibility splays of 35m measured at 2.4 from the roadside edge shall be provided.
- 7.4.18. Monaghan County Council’s rationale for the acceptance of reduced sightlines is observed road speeds as a result of the poor condition of the road in the vicinity of the site. I note the reference to the lack of planned improvements to the road for the next 3 years but do not consider this to be a sufficient reason to accept reduced

visibility standards particularly as the site is located within a study area of a planned national road upgrade. I also refer to the grounds of appeal wherein the appellants outline that the visibility splays of 35m are not achievable within the applicant's boundary and require consent from an adjoining landowner. The applicant has provided no evidence to demonstrate that the reduced sightlines can be achieved.

- 7.4.19. On an overall basis, I consider that the proposed access arrangements including creation of an entrance off a local road which is limited in width and an entrance with reduced visibility splays would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development.

7.5. Water Supply/ Drainage

- 7.5.1. The development includes the provision of a proprietary wastewater treatment unit and percolation area. Having inspected the site and having read the Site Characterisation form, together with the large area of this site I concur with the Planning Authority that subject to normal safeguards it should not be prejudicial to public health and/or give rise to any environmental pollution. I note that the Environmental Health Officer has not raised objection to the proposed system subject to conditions.
- 7.5.2. I note that the planning application form outlines that water supply is proposed via a private well. The location of the well does not appear to be identified within the application documentation. I consider that there are information deficiencies within the application in this regard in terms of demonstration of the required separation distance between the percolation area and proposed well. However, having regard to the substantive issues identified in Section 7.4 above and the size of the site I do not consider it necessary to include a reason for refusal in this regard.
- 7.5.3. The remains of an existing dwelling are evident on site. Limited reference to the proposals for this property is made within the application documentation. I note the reference in drawing no. PP-101 to a proposed WWTS and percolation in the vicinity of the property. However, these are not identified or addressed within the Site Characteristics Report or identified within the public notices. In the instance that the Board is minded to grant permission for the development, I recommend a condition omitting this WTTS and percolation area in the vicinity of the derelict property.

7.6. Appropriate Assessment

- 7.6.1. The site is not located within or within 15km of any Natura 2000 site. In addition, there are no watercourses in proximity to the application site and no pathway connectors with the Natura 2000 network. Having regard to the nature of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development is located along a local road which is limited in width and surface in the vicinity of the site and reduced visibility splays are available at the site entrance. The proposal would therefore endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development.
2. The site of the proposed development lies on land that is identified within the study area for the N2 to Castleblayney Upgrade Scheme, the design of which is currently being progressed. The development would be premature pending the determination of the final route, design, and layout for this strategic national road project and would be contrary to the guidance set out within Section 2.9 of the Spatial Planning and National Road Guidelines for Planning Authorities (2012) in this regard. The proposed development would also be contrary to Transport Policy TP 4 of the Monaghan County Development Plan, 2019 to 2025, which seeks to ensure that new developments do not prejudice the expansion of road corridors in the County, and to Policy NRP 5, which seeks to progress and ensure the upgrade of the N2 in co-operation with Transport Infrastructure Ireland and the relevant adjoining local authorities and to Policy NRP 7 of the Monaghan County Development Plan 2019-2025

which seeks *“To protect the selected route of the N2 upgrade road scheme between Ardee and Castleblayney and the selected route between Clontibret and the border with Northern Ireland, and to prohibit development that could prejudice their future delivery”*.

The development would also be contrary to National Strategic Outcome 2 as set out in the Project Ireland 2040 – National Planning Framework, 2018, which seeks to build enhanced regional accessibility, including accessibility to the north-west of Ireland, with this including the upgrading of access to the north-west border area utilising identified routes including the N2. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: “This is a new issue in the appeal and the Board may wish to seek the views of the parties”.

Stephanie Farrington
Senior Planning Inspector
15th of September 2021