



An
Bord
Pleanála

Inspector's Report ABP-312632-22

Development	Demolition of existing 2-storey dwelling and replacement dormer type dwelling, formation of new entrance, wastewater treatment system, polishing filter area and all ancillary site works.
Location	Crossea North, Edgeworthstown, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	21318
Applicant(s)	Sean McLoughlin
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None.
Date of Site Inspection	28 th September, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Crossea North, Co. Longford, approximately 3.5km southwest of Edgeworthstown, where it occupies a position immediately adjoining the northern side of the N55 National Road. The surrounding landscape is characterised by gently undulating rural countryside interspersed with farmsteads and piecemeal one-off housing. The site is situated within an existing pattern of linear housing development and associated outbuildings along the northern side of the carriageway with a further dwelling house on the opposite side of the roadway. There is an existing dwelling house and farmyard located further north / northwest on the same landholding with access obtained via a private tree-lined laneway that bounds the development site to the northeast.
- 1.2. The site itself has a stated site area of 0.51 hectares, is broadly rectangular in shape, and is presently occupied by a derelict two-storey cottage while the wider site area is set as pasture. It adjoins the public road to the southeast with housing to the northeast and southwest while the lands to the northwest are in agricultural use. It is bounded by a combination of mature hedging and fencing on all sides with an existing field gate onto the national road situated in the north-eastern corner of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of an existing two-storey, derelict cottage (floor area: 70m²) and its replacement through the construction of a dormer-style dwelling house with a stated floor area of 275m² and a ridge height of 6.7m. The overall design of the new construction is conventional and is based on a principle rectangular plan with a pair of projecting front gable features situated at opposing ends of an asymmetrical front elevation. External finishes will include napp plaster, natural stone and blue / black roof slates.
- 2.2. The proposal also provides for the formation of new vehicular entrance onto the adjacent private access laneway and the associated closure of an existing access / field gate which presently opens directly onto the N55 National Road.

- 2.3. It is proposed to install a wastewater treatment plant with discharge to a polishing filter while a water supply will be provided via connection to the public watermain.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. On 12th January, 2022 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 11 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, wastewater treatment & disposal, landscaping, drainage and entrance design / construction.

3.2. **Planning Authority Reports**

3.2.1. *Planning Reports:*

States that the proposal complies with the criteria set out in Policy CS 12 of the Longford County Development Plan, 2015-2021 (since superseded by the Longford County Development Plan, 2021-2027) before recommending a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Road Design: Notes that the existing derelict cottage restricts the available sight distance from the adjacent access lane and that the proposed development provides for the demolition of this cottage as well as the setting back of the roadside boundary thereby providing for a significant improvement in sightlines for vehicles exiting the existing access. It further notes that vehicular access to the existing cottage is / was taken directly off the N55 National Road whereas the subject proposal provides for the removal of this arrangement and the provision of a new access onto the adjacent laneway. The report concludes by recommending a series of conditions to be attached to any grant of permission.

3.3. **Prescribed Bodies:**

- 3.3.1. *Irish Water:* No objection, subject to conditions.

3.3.2. *Westmeath National Roads Office*: States that although the application site is within the study area for the proposed N4 Mullingar to Longford (Roosky) Scheme, there is no objection to the proposal.

3.3.3. *Transport Infrastructure Ireland*: States that the proposal is at variance with official policy in relation to the control of development on / affecting national roads as outlined in the DoECLG's '*Spatial Planning and National Roads, Guidelines for Planning Authorities (2012)*', as the proposed development by itself, or by the precedent which a grant of permission would set, would adversely affect the operation and safety of the national road network for the following reasons:

- Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG's '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' (2012). The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would be at variance with the foregoing national policy in relation to the control of frontage development on national roads.
- Section 2.5 of the Guidelines states that 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 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to the control of frontage development on national roads.
- The proposed development, located on an unimproved section of a national road where the maximum speed limit applies, would endanger public safety by reason of traffic hazard and the obstruction of road users due to the movement of the extra traffic generated.

3.4. **Third Party Observations**

None.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. 061032. Was granted on 27th March, 2007 permitting Anne Marie McLoughlin permission for stables, shed, dungstead and all associated site works at Crossea, Edgeworthstown, Co. Longford.

5.0 Policy and Context

5.1. National and Regional Policy:

- 5.1.1. The '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' set out the planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60kph speed limit zones for cities, towns and villages. They replace the document, Policy and Planning Framework for Roads, published by the Department in 1985, supplement other policy guidance on roads-related matters in other Ministerial guidelines in relation to retail planning and sustainable rural housing, and replace the National Roads Authority policy statement on national roads published in May, 2006.
- 5.1.2. The '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in a '*Stronger Rural Area*' as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Longford County Development Plan, 2021-2027 includes a detailed identification of the various rural area types specific to the county at a local scale and Figure 4.5: '*Rural Typology Map*' details that the site is located in an '*Area under Urban Influence*'.

5.2. Development Plan

5.2.1. Longford County Development Plan, 2021-2027:

Chapter 4: Core, Settlement and Housing Strategies:

Section 4.8.1: Settlement Strategy - Key Principles:

Key Principle 1: Support the strengthening of the town and village network and rural communities throughout the county in accordance with the hierarchy outlined in the following sections and supported by the Eastern and Midland Regional Spatial and Economic Strategy (RSES) and Ministerial guidance issued under Section 28 of the Planning and Development act 2000, as amended, particularly the Sustainable Rural Housing Guidelines for Planning Authorities and Sustainable Residential Development in Urban Areas or their replacement guidance.

Key Principle 2: Create vibrant and thriving urban and rural communities, underpinned in the principles of sustainability and the development of environments which retain and foster a high quality of life.

Key Principle 10: Manage urban generated growth in rural areas under strong urban influence and stronger rural areas and reverse the decline or stagnation of many rural communities.

Key Principle 11: Promote development within Rural Settlement Clusters as a viable alternative to one-off housing in the countryside, particularly in rural areas under strong urban influence.

Settlement Strategy - County Policy Objectives:

CPO 4.1: Promote the sustainable growth and development of the county in accordance with the Settlement Hierarchy and population targets established within the Core Strategy and commensurate with the network of urban centres, villages and rural areas presented in the Settlement Strategy and their respective capacities to assimilate sustainable levels of future development.

CPO 4.5: Manage the growth of rural areas that are under strong urban influence and stronger rural areas to avoid over-development, whilst sustaining vibrant urban communities.

Section 4.8.11: *Rural (Serviced Rural Villages, Rural Settlement Clusters and Open Countryside): One – Off Rural Housing (incl.):*

The NPF recognises the importance of sustaining rural areas, specifically through NPO 15 which states:

‘Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities’.

As per NPO 19, the NPF requires a clear distinction to be made between areas under urban influence and elsewhere in providing for the development of rural housing in the countryside. The RSES reinforces this through its requirement for core strategies of development plans to identify ‘areas under strong urban influence in the hinterlands of settlements and set the appropriate rural housing policy response to avoid ribbon and over spill development from urban areas’, support revitalised towns and villages, achieve sustainable compact growth targets, sustainably address rural decline and protect the rural resource for rural communities.

The Council will ensure that development of the open countryside takes place in a manner that is compatible with the policy objectives of the NPF, and further expressed by the RSES, whilst ensuring the protection of key economic, environmental, biodiversity and cultural/heritage assets such as the road network, water quality and important landscapes. Section 4.8.12 sets out the Rural Settlement Strategy for County Longford including specific rural housing County Policy Objectives. The open countryside is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.

Section 4.8.12: *Rural Settlement Strategy:*

A key principle underpinning the Settlement Strategy is the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

The NPF prescribes national policy in relation to the development of rural housing and requires that a distinction is made between areas under urban influence and rural areas elsewhere (NPO 19). The RSES sets out regional policy that requires Local Authorities to 'manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

Having regard to this, rural typology mapping has been undertaken for County Longford which is consistent with national and regional policy and guidance. This typology map is based on the following 2 no. categories of rural areas:

- *Rural Areas under Strong Urban Influence:*

Areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large towns within the county with evidence of considerable pressure for development of housing owing to their proximity to such settlements. The policy in these areas is to facilitate housing development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community.

Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community, e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up

in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

- *Rural Areas Elsewhere:*

These areas are the residual rural areas of the county not under Strong Urban Influence which can range from strong rural areas where population levels are generally stable within a well-developed town and village and in the wider rural areas around them to structurally weaker rural areas which exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth.

The Council will manage sustainable growth in designated 'Rural Areas Under Strong Urban Influence' and facilitate the provision of single houses in the countryside based on the core consideration of demonstrable economic or social requirement to live in a rural area, as well as compliance with siting and design criteria for rural housing and with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

In respect of 'Rural Areas Elsewhere', the Council aims to accommodate rural housing demand from individuals for permanent residential development, subject to good planning practice by applying a more flexible approach in the assessment of planning applications which are primarily based on sustainable planning principles (appropriate siting and design and negligible impacts to existing amenities or sensitive environments). The requirement to demonstrate local housing need will not apply to applications within this designated area.

Dwellings and structures in the countryside need to be sited and designed to impact minimally on their setting. The utilisation of existing features, natural and manmade, can assist in integrating new development into its established setting. Design standards are outlined in *Chapter 16: Development Management Standards* and *Annex 7: Rural Design Guidelines for Residential Developments in Rural County Longford*. Furthermore, the Landscape Character Assessment (Chapter 14, Appendix 9 and Annex 11) assess the sensitivity and capacity of the different character areas ability to absorb and facilitate rural residential development.

Rural Housing - County Policy Objectives:

CPO 4.24: Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence', subject to good planning practice, environmental carrying capacity and landscape protection considerations.

Applicants seeking permission for the development of single dwelling rural housing in areas defined 'Rural Areas Under Strong Urban Influence' must satisfy the following criteria:

1. The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived.

For the purpose of this policy, the rural area is taken to include 'Rural Settlement Clusters' listed in the Settlement Hierarchy, but excludes the Key Town, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Villages and Serviced Rural Villages listed in the Settlement Hierarchy.

2. The applicant has a functional economic or social requirement to reside in this particular rural area such as in any of the following 2 situations:
 - a) Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation.
 - b) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the

revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Longford shall be taken as compliance with point 1 above.

Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.

3. The applicant does not already own or has not owned a house in the open countryside.
4. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.
5. High quality siting and design.

CPO 4.25: In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19 of the NPF.

CPO 4.27: Assess residential development in rural areas on the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.

CPO 4.28 Attach an occupancy condition to planning permissions in respect of rural housing applications in identified 'Rural Areas Under Strong Urban Influence', pursuant to Section 47 of the Planning and Development Act 2000, as amended, restricting the use of the dwelling to the applicant, as a place of permanent residence. The period of occupancy will be limited to a period of 7 years from the date of first occupation.

CPO 4.31: Encourage the appropriate re-use and adaptation of the existing rural residential building stock in preference to new build.

CPO 4.35: Have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005, and any replacement guidance which require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and be generally compatible with:

- a) The protection of water quality in the arrangements made for onsite wastewater disposal facilities
- b) The provision of a safe means of access in relation to road and public safety;
- c) The conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

In regard to septic tanks, the Planning Authority will be positively disposed towards the use of septic tanks and/or with additional package treatment systems, where necessary, with Irish Agrément Board Certification. In order to protect groundwater, all site suitability tests shall be carried out in accordance with the Environmental Protection Agency's 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. <10)' (2009), or any subsequent update.

CPO 4.43: Facilitate the sensitive replacement of a structurally unsound derelict dwelling as an alternative to the construction of a one-off dwelling (Footnote: 16 Structure is in a ruinous or dangerous condition) elsewhere in the countryside. The scale of the replacement dwelling shall have regard to the site size. Documentary evidence in the form of a structural survey and photographs shall be submitted to accompany the application. The proposed applicant shall comply with local need criteria identified in the Plan and shall be subject to an occupancy condition.

Chapter 5: Transport, Infrastructure, Energy and Communications:

CPO 5.12: Provide the highest quality road access and capacity on routes of economic importance to the County, and maintain and improve the capacity of existing arterial routes of national, regional and local importance within the County in the context of the National Planning

Framework and the Eastern and Midland Regional Spatial and Economic Strategy, including the relief of bottlenecks at strategic locations.

CPO 5.15: To protect the capacity, efficiency and safety of the national road network in County Longford by complying with the ‘Spatial Planning and National Roads -Guidelines for planning authorities’ (2012).

CPO 5.19: Protect routes of strategic importance within the County, as outlined below, from further access creation and the intensification of existing accesses and development on national routes. Development on the National and Regional Routes outlined below shall be carefully considered to preserve their strategic role and safeguard the strategic function of the national road network, in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012):

- N4 to Dublin and Sligo & N5 to Castlebar
- N55 to Cavan and Athlone & N63 to Galway
- R194 Longford to Virginia
- R198 Longford/Arvagh
- R392 Lanesboro/Mullingar,
- R393 Longford to Ballynacarrigy/Mullingar
- R395 Edgeworthstown to Castlepollard
- R396 Granard to Castlepollard
- R397 Longford/Ballymahon
- R398 Derraghan to Brickeens
- R399 Ratharney to Kilcurry.

Works to accesses along these routes shall be assessed according to the relevant technical criteria, including the TII/NRA Design Standards.

Chapter 16: Development Management Standards:

Section 16.4.6.7: *Rural Housing:*

Development Management Standards – Rural Housing: DMS16.88 – 16.93

Section 16.4.8: *Road Safety and Access:*

DMS16.119: Discourage the proliferation of road access points onto public roads, especially in areas where the maximum speed limits applies or where road safety is of concern.

DMS16.120: The sharing of vehicular entrances will be encouraged where appropriate in order to avoid a proliferation of access points. Where a new house is to be sited adjacent to existing dwellings, use of existing entrances, avenues and driveways should be considered.

Appendix 9: Landscape Character

Annex 7: Rural Design Guidelines: Rural Design Guidance for Residential Developments in Rural County Longford

Annex 11: Landscape Character Assessment

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Glen Lough Proposed Natural Heritage Area (Site Code: 001687), approximately 3.5km southeast of the site.
- The Glen Lough Special Protection Area (Site Code: 004045, approximately 3.9km southeast of the site.
- The Derrymore Bog Proposed Natural Heritage Area (Site Code: 000447), approximately 6.3km northwest of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and small scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development relies on the use of a shared private direct access to the N55 National Secondary Road at a location where a speed limit of 100kph applies; is considered to be at variance with official policy; and has the potential to compromise the safety and efficiency of the national road network.
- In relation to lands adjoining national roads where a speed limit greater than 60kph applies, the '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*' state that 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. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

It is considered that the provision of a new dwelling house at this location cannot be considered to constitute a replacement dwelling having regard to the derelict state of the existing structure on site. The new additional house as proposed, which is to be accessed from the N55 National Road via a revised access arrangement onto an adjacent private laneway, regardless of the housing circumstances of the applicant, will inevitably bring about further vehicular turning movements resulting in the intensification of the use of an access to / from the national road network.

- Notwithstanding the contents of the report compiled by the Road Design Dept. of the Local Authority, it is the appellant's opinion that the proposed development will give rise to an intensification of access onto and off the N55 National Road. Additional traffic turning movements will arise from day-to-day

occupation, patterns of activity associated with same, and trips generated by other services, utilities, visitors etc., as well as the applicant. Accordingly, the proposal is at variance with official policy.

- Any road safety improvements attributable to the improved sightline provision from the private laneway onto the national road will be offset by the increased traffic turning movements and the intensification of use of the private access onto a highly trafficked and high speed section of national road resulting from the development of an additional dwelling.
- The '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' state that the creation of new accesses and the intensification of existing accesses to national roads generate increased turning movements that introduce additional safety risks to road users. Given the nature and character of the development proposed, it conflicts with national policy objectives.
- The proposal is at variance with official policy, which seeks to preserve the level of service, safety and carrying capacity of national roads and to protect public investment in such roads, and would establish an undesirable precedent for further similar development.
- There is a critical need to maintain the strategic function of the national road network and to protect, maintain and ensure the safety of this finite resource. Furthermore, the restriction of direct access and the intensification of direct access to the high speed national road network can, and does, contribute to a reduction in road traffic collisions and fatalities.
- Official policy states that the creation of new accesses to and the intensification of existing accesses to national roads gives rise to the generation of increased turning movements that introduce additional safety risks to road users. Therefore, authorities must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60kph apply as part of the overall effort to reduce road fatalities and injuries. Controlling direct access to national roads at high speed locations, and the turning movements associated with such accesses, is a critical element in meeting road safety objectives in accordance with official policy.

- It would appear that the Planning Authority has given weight to the proposal as a replacement dwelling while the demolition of the existing structure, in addition to the setting back of the roadside boundaries, will improve the sightlines from the adjoining private access onto the National Road. In this regard, it is reiterated that the subject proposal cannot be considered to amount to a replacement dwelling given the derelict state of the structure proposed for demolition and, therefore, it will inevitably result in increased turning movements onto and off the national road.
- The site layout plan indicates sightlines of 240m to the north from the adjacent access onto the national road, however, sightlines of only 180m are shown to the south. Objective CPO 5.19 of the Development Plan indicates that works to accesses along national routes are to be assessed in accordance with the relevant technical criteria, including the TII / NRA Design Standards. The Board will be aware that the sightline requirement from an access to a national road subject to a 100kph design speed is 215m as outlined in TII Publication DN-GEO-03043 (Geometric Design of Major / Minor Priority Junctions and Vehicular Access to National Roads). Therefore, the 180m sightline to the south does not satisfy the required standard nor does it comply with Objective CPO 5.19 of the Development Plan.
- Any road safety improvements attributable to the development must be considered in the context that the improved sightlines to the south fail to satisfy the applicable standard and do not accord with the requirements of the Development Plan.
- Any grant of permission would be inconsistent with the provisions of the Longford County Development Plan, 2021-2027, with particular reference to Core Strategy Strategic Aim No. 8 and Objectives CPO 5.15 & CPO 5.19. Individually, the relevant provisions of the Development Plan all contribute to safeguarding the strategic function, capacity and safety of the national road network as per official policy.
- It is acknowledged that there is a need to accommodate and sustain rural communities and that Section 2.6 of the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*' provides a mechanism whereby a

less restrictive approach may be applied to the control of development accessing national secondary roads. However, the Guidelines advise that such areas will be confined to lightly trafficked sections of national secondary roads serving structurally weak and remote communities where a balance needs to be struck between the important transport function of such roads and supporting the social and economic development of these areas. Such circumstances are not reflective of the N55 National Secondary Road at this location which is a critically important strategic inter-regional link.

Furthermore, the adopted Longford County Development Plan does not provide for any such 'exceptions' and it is the appellant's opinion that no exceptional basis has been put forward which would justify a departure from standard policy and road safety considerations in this instance.

- The proposed development, in conjunction with other development accessed via the private laneway and combined with the multiplicity of existing direct accesses to the national road into the vicinity, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be generated onto the N55 at a point where a speed limit of 100kph applies, and would interfere with the free flow of traffic on the road.
- The proposed development is at variance with the policy provisions of the Longford County Development Plan, 2021-2027 and is inconsistent with official policy including the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*'.
- No exceptional reasons have been provided to justify such a significant departure from official policy and road safety considerations which a grant of permission would represent in this instance. It is further observed that viable housing alternatives arise in nearby settlements.
- The Planning Authority has granted permission for a proposal reliant on an existing private access to the N55 National Road in the absence of any exceptional reasons justifying a departure from standard policy and road safety considerations.

- The proposal is reliant on the existence of a derelict and uninhabitable structure. It is considered that the development as permitted would set an undesirable precedent for other similar development, involving many derelict structures in rural locations, which would impact adversely on the strategic national road network.
- The Board will be aware of the priority to ensure adequate maintenance of the national road network in order to protect the value of previous investment. In this regard, the appellant seeks to ensure that official national objectives are not undermined and that the anticipated benefits of investment in the national road network are not jeopardised.
- National Strategic Outcome 2 of the National Planning Framework seeks to maintain the strategic capacity and safety of the national road network (including planning for future capacity enhancements). In addition, Chapter 7: *'Enhanced Regional Accessibility'* of the National Development Plan, 2021-2030, sets out the key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users. Such a requirement is also reflected in the *'National Investment Framework for Transport in Ireland'* and the *'Spatial Planning and National Roads, Guidelines for Planning Authorities'*.
- Section 8.3: *'Guiding Principles for Integration of Land Use and Transport'* of the *'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy'* states that the strategic transport function of national roads and associated junctions should be maintained and protected.
- The development as permitted conflicts with the objective to safeguard the strategic function of the national road network and to safeguard the investment made in the transport network to ensure quality levels of road safety, service, accessibility, and connectivity to transport users.
- The subject proposal, if approved, would set an undesirable precedent for other similar development, including the case for replacement of derelict structures in rural locations, impacting on the strategic national road network.

6.2. Applicant Response

- The specifics of the development provide for an improved site access to the N55 National Road and comply with the applicable housing need & planning policy considerations.
- The application site forms part of a larger family landholding and is the only land available to the applicant whereupon he may live and retain close links to his family and the local community.
- The proposed development provides for the demolition of the existing dwelling house and its replacement with a new family home which will be set back significantly into the site. When taken in conjunction with the recessing of the existing fence line, the proposal will serve to improve an existing access point which is already in family use.
- Although the grounds of appeal have raised concerns with regard to an additional access point, it should be noted that the original dwelling house was served by an access onto the national road which is to be removed as part of the proposed development while the new dwelling will be accessed from an adjacent private laneway. Accordingly, the proposal will reduce the overall number of direct accesses to / from the national road and will not result in any intensification or additional vehicular turning movements at the laneway given the applicant's residency in the family home.
- The District Engineer has acknowledged that the proposed development will provide for '*significant sightline improvements for vehicles exiting the access road*'.
- The appellant's reference to 'National Policy' has entered the realm of unhelpful speculation and fails to address the site-specific proposals set out in the application.
- The grounds of appeal fail to recognise that the proposed development will provide for improved safety at the junction of the existing laneway with the national road.

- Given that the proposal involves the construction of a replacement dwelling house by a family member, there will be no intensification of use at the access arrangement.
- The proposed dwelling will be accessed via an existing private laneway which is already used by the applicant's family to access their home and farm. In this regard, the development will provide for significant safety improvements at the existing junction for the benefit of the applicant, his family and other road users.
- The appellant has not provided a report on the structural condition of the existing dwelling yet has suggested that the property could be retained in the event of a refusal of permission. Should the subject proposal be refused, then the applicant will have no option but to renovate the existing dwelling while maintaining the boundary fence and access gate to the public road. This will reduce the safety of the applicant, his family and other road users but appears to be the desired outcome for the appellant.
- The applicant uses the existing laneway on a daily basis and the subject proposal will serve to improve the sightlines available at its junction with the public road as has been acknowledged by the District Engineer.
- In light of the applicant's intrinsic links to the area as a native of Crossea North, and as the site forms part of a larger family holding which he farms with his widowed mother, there should be a positive presumption with regard to his local need. Moreover, it can be confirmed that the applicant does not own any other dwelling and that the subject site is the only land available as the remainder of the farmholding fronts onto the national road.
- Given that the proposed development involves a replacement dwelling house and will also improve road safety at an existing access point, it is considered that the proposal accords with the County Development Plan.
- The suggestion that the proposal will set a precedent for similar development is rejected given the specific circumstances of the development proposed which entail the construction of a replacement dwelling and the improvement of an existing access point.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development / Rural Housing Policy:**

7.2.1. In assessing the principle of the proposed development, particularly in light of the site location along a national secondary road in an '*Area under Strong Urban Influence*' as indicated by Figure 4.5: '*Rural Typology Map*' of the Longford County Development Plan, 2021-2027, it is of relevance at the outset to note that the subject proposal involves the replacement of an existing derelict cottage with a newly constructed dormer-style residence. Accordingly, I would draw the Board's attention to Policy Objective CPO 4.43 of the Development Plan wherein it is stated that the sensitive replacement of a structurally unsound derelict dwelling will be facilitated as an alternative to the construction of a one-off dwelling elsewhere in the countryside, subject to certain criteria. In this regard, and notwithstanding that the application has

not been accompanied by a structural survey and photographs of the existing property as required by the aforementioned objective, having conducted a site inspection, it is clearly evident that the cottage proposed for demolition can reasonably be described as being in a *'ruinous or dangerous condition'* (as per Footnote 16 of Policy Objective CPO 4.43) and thus satisfies the definition of a structurally unsound derelict dwelling. With respect to the requirement that any replacement dwelling should have regard to the site size, while I would acknowledge that the new construction will be of a significantly greater size and scale than the existing cottage, I would also suggest that this increase is proportionate to the expansion of the site beyond the curtilage of the existing house (as shown on the submitted OSI mapping) to incorporate adjacent lands.

- 7.2.2. The remaining criterion requiring assessment under Objective CPO 4.43 is whether or not the applicant complies with the relevant *'local need criteria'* as per Objective CPO 4.24 of the Development Plan which seeks to accommodate individuals for permanent residential development in *'Rural Areas Under Strong Urban Influence'*, subject to good planning practice, environmental carrying capacity and landscape protection considerations. More specifically, it must be established whether the applicant meets the *'local need criteria'* by reference to 5 No. eligibility requirements, all of which must be adhered to.
- 7.2.3. Regrettably, although the initial planning application was accompanied by a completed copy of the Planning Authority's *'Local Need Form'*, this has not been forwarded to the Board (seemingly for reasons of data protection). Given that this information would appear to have informed the Planning Authority's assessment of the proposal, I would have serious concerns as regards the failure to supply this information in light of the need for transparency and accountability.
- 7.2.4. Notwithstanding the foregoing, I propose to review the information made available to the Board in an effort to ascertain compliance with the 5 No. qualifying requirements of Objective CPO 4.24 as follows:
- 7.2.5. ***The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this***

policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived:

In response to the grounds of appeal, correspondence has been provided which states that the applicant is a native of Crossea North and that the subject site forms part of a larger farmholding which has been in his family's ownership for 4 No. generations. Furthermore, reference is made to the applicant's daily use of the adjacent laneway to access the family home where he presently resides (with an existing dwelling house and farmyard evident on the landholding shown on the site location map provided with the application). It has also been asserted that the information submitted with the initial planning application serves to demonstrate the applicant's intrinsic links to this rural area and that this was accepted by the Planning Authority (notably, this was in relation to compliance with Policy CS12 of the previous Longford County Development Plan, 2015-2021, which has since been superseded by the current Development Plan, when the following categories of applicant were open to consideration - Members of farm families, seeking to build on the family farm; Landowners with reasonably sized farm holdings who wish to live on their land; Members of the rural community in the immediate area, this includes returning emigrants or their children with remaining substantial family or community ties, who wish to permanently settle in the area; and Persons whose primary full or part-time employment is locally based or who are providing a service to the local community).

The details provided also state that the applicant is running the family farm with his widowed mother (Ann Marie McLoughlin) and that he does not own any other dwelling house. In support of the foregoing, I note that Anne Marie McLoughlin was previously granted permission under PA Ref. No. 061032 for the construction of stables etc. elsewhere on the family landholding.

Therefore, it may be implied from the foregoing that the applicant has long-term residency and social / familial links to the area to the effect that he is an *'intrinsic part of the rural community'* as per the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'*. Moreover, he would appear to be an established member of the surrounding rural community while he is also engaged in the running of the family farm.

7.2.6. The applicant has a functional economic or social requirement to reside in this particular rural area such as in any of the following 2 situations:

- a) Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation.**
- b) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Longford shall be taken as compliance with point 1 above.**

The applicant has indicated that he is engaged in the operation of the adjacent family farm with his mother and, therefore, he would appear to have a functional economic requirement to reside at the location proposed.

Any reliance on a social requirement to reside in the area would likely be based on the applicant's familial and residency links to the locality as outlined in Para. 7.2.5 of this report, however, any further details in this regard (such as those possibly contained in the 'Local Need Form' submitted with the planning application) have not been provided by the Planning Authority.

7.2.7. The applicant does not already own or has not owned a house in the open countryside:

With the exception of the cottage proposed for demolition, the applicant has stated that he does not own any other dwelling house. He would appear to reside nearby in the family home.

7.2.8. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control:

Not applicable in this instance.

7.2.9. High quality siting and design:

N.B Please refer to Section 7.3 of this report with respect to the overall design and layout of the proposed development.

7.2.10. Therefore, on the basis of the foregoing, I would accept that the applicant has long-term residency and social / familial links to the immediate locality to the effect that he is '*an intrinsic part of the rural community*' thereby satisfying the local housing need provisions of Objective CPO 4.24 of the Development Plan. Moreover, he has an economic and functional need to reside at the location by reference to his farming of the landholding. Therefore, it is my opinion that the need for a replacement dwelling at this location in an area under strong urban influence has been adequately justified.

7.3. Overall Design / Visual impact:

7.3.1. The proposed development site is located within Landscape Unit No. 7 – '*Open Agricultural*' as detailed in the Landscape Character Assessment included at Annex 11 of the Development Plan wherein the visual sensitivity of landscapes is generally considered to be low. In a local context, the site occupies an 'infill' location within an existing pattern of linear housing development and associated outbuildings situated along the northern side of the N55 National Road (with a further dwelling house located on the opposite side of the roadway) which is predominantly characterised by conventional single-storey bungalows, save for an extended cottage to the south of the development site.

7.3.2. With respect to the actual siting and design of the proposed dwelling, while regard should be had to the '*Rural Design Guidance for Residential Development in Rural County Longford*' set out in Annex 7 of the Development Plan, I am mindful of the site context and the prevailing pattern of conventional housing development in the immediate site surrounds.

7.3.3. On balance, I am satisfied that the overall design and siting of the proposed development is acceptable and will not unduly detract from the visual amenity or scenic quality of the surrounding rural landscape, subject to conditions.

7.4. Traffic Implications:

- 7.4.1. The proposed development will be accessed via an existing private laneway and vehicular entrance arrangement onto the N55 National Secondary Road at a point where a speed limit of 100kph applies and, therefore, it is necessary to assess whether the proposal is acceptable in terms of traffic safety and whether it accords with accepted policy as regards development management along the national road network. In this respect, the grounds of appeal have asserted that the proposed development is at variance with official policy to preserve the level of service and carrying capacity of national roads and to protect public investment in such roads as outlined in the *'Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012'*. More specifically, it has been submitted that the proposed development would endanger public safety by reason of traffic hazard due to the additional traffic movements that would be generated at an existing direct access onto the N55 National Road at a point where a speed limit of 100kph applies and as it would also interfere with the free-flow of traffic on that road.
- 7.4.2. The *'Spatial Planning and National Roads, Guidelines for Planning Authorities'*, which replaced the *'Policy and Planning Framework for Roads'* issued by the Department of the Environment in 1985 and the NRA's *'Policy Statement on Development Management and Access to National Roads'* published in May, 2006, state that Development Plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions by avoiding the creation of new accesses and the intensification of existing accesses onto national roads where a speed limit greater than 50kph applies. Section 2.5 of the Guidelines subsequently outlines a series of policy approaches with regard to access to national roads which all development plans and any relevant local area plans must implement. These include lands adjoining national roads to which speed limits greater than 60kph apply, lands adjoining national roads within 50kph speed limits, and transitional areas where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60kph before a lower 50kph limit is encountered. In this respect, it is of relevance to note that the proposed development includes for the formation of a new vehicular entrance onto an adjacent laneway which is accessed directly from a section of national road where a speed limit of 100kph applies. Therefore, it is

appropriate to consider the provision in the Guidelines that seeks to avoid the intensification of existing accesses onto national roads where a speed limit greater than 50kph applies. Notably, the Guidelines also expressly state that this provision applies to all categories of development, including individual dwelling houses in rural areas, regardless of the housing circumstances of the applicant.

- 7.4.3. Having considered the foregoing, I would refer the Board to Objective CPO 5.15 of the Development Plan which states that it is Council policy to protect the capacity, efficiency and safety of the national road network by complying with the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*'. More specifically, Objective CPO 5.19 aims to protect routes of strategic importance, including the N55 National Road, from the creation of further accesses and the intensification of existing accesses and development on national routes. The inclusion of these policy provisions accords with the Guidelines.
- 7.4.4. At this point, it should be noted that Section 2.6 of the guidance advocates a plan-led approach to development along national roads and includes a provision whereby a planning authority may identify stretches of national road where a less restrictive approach may be applied (i.e. in the case of developments of national and regional strategic importance or along lightly-trafficked sections of National Secondary Routes) but only as part of the process of reviewing or varying the relevant development plan and having taken on board the advice of the NRA (i.e. TII). With the exception of Objective CPO 5.23 (which refers to the preparation of access strategies for zoned lands within settlements that adjoin national roads subject to a 50kph or 100kph speed limit as well as allowing for limited levels of direct access along sections of national roads on the approaches to or exits from town centres), the current Longford County Development Plan, 2021-2027 does not provide for any further relaxation of its adopted policy position as regards development affecting national roads. Accordingly, on the basis that there is no provision for any 'exceptions' to be made as regards the possible development of additional access points or the intensification of existing accesses along this stretch of the N55 National Route, the subject proposal, may be at variance with national policy.
- 7.4.5. However, while the proposed development will result in increased traffic turning movements at an existing access point onto the national road, this must be considered in context given the specific circumstances of the site and the nature of

the development proposed. In this regard, I would reiterate that the development involves the construction of a replacement dwelling house in line with Objective CPO 4.43 and thus it is only reasonable that credence be given to the historical / established use of the site for residential purposes along with any associated traffic movements. Indeed, were the existing dwelling not proposed for demolition and replacement, it would seem likely that its restoration and refurbishment could potentially be given favourable consideration pursuant to Objective CPO 4.41 of the Plan which aims to encourage the restoration of derelict traditional vernacular structures as an alternative to the construction of a one-off dwelling elsewhere (noting that the structure, including walls, must be intact and capable of restoration). Any such proposal would ultimately result in the re-use of the existing dwelling and its associated entrance thereby generating traffic turning movements directly onto the adjacent national road.

- 7.4.6. A further relevant consideration is that the subject proposal includes for the closure of an existing access / field gate from the site onto the N55 National Road and the formation of new vehicular entrance onto the adjacent private access / laneway. In effect, the proposed development will result in a reduction in the overall number of access points onto the national road while consolidating the use of an existing access which could be considered to be an improvement in terms of traffic safety compared to the existing scenario.
- 7.4.7. In addition to the foregoing, it should be noted that the applicant already resides on the landholding in the family home where he currently farms and undertakes traffic movements to and from this location via the adjacent access. In this regard, it may be held that the replacement dwelling will not give rise to any additional traffic volumes or turning movements onto or off the national road.
- 7.4.8. A final point of relevance is that the proposed development will serve to improve the sightlines onto the national road from the access to the wider landholding through the setting back of the existing roadside boundary, the provision of a new grassed margin, and the recessed positioning of the replacement dwelling relative to that of the cottage proposed for demolition. While I would concede that the resultant sight distance will continue to be below the desired minimum standard, particularly in light of the site location along a section of national road subject to a speed limit of 100kph

which is characterised by a continuous white centreline, the improvement of the sightlines available must be held to be in the interests of traffic safety.

- 7.4.9. Therefore, on consideration of the totality of the information available, in my opinion, given the nature and extent of the proposed development (with particular reference to the construction of a replacement dwelling for the applicant's own use), the existing residential and agricultural traffic movements at the established access serving the family home and adjoining farmlands, and the proposed closure of an existing access point onto the national road serving the subject site and the consolidation of access into one improved location, the proposed development would not constitute a traffic hazard, subject to conditions, and would not be contrary to official policy as set out in the '*Spatial Planning and National Roads, Guidelines for Planning Authorities*'.

7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 **Reasons and Considerations**

- 9.1. Having regard to the "Sustainable Rural Housing, Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005, the relevant provisions of the Longford County Development Plan, 2021-2027, to the nature and extent of the proposed development, to the existing residential and agricultural traffic movements at the

established access serving the family home and adjoining farmlands, and the proposed closure of an existing access point onto the national road serving the subject site and the consolidation of access into one improved location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) The centreline of the proposed entrance to the new dwelling shall be set back a minimum of 20m from the near edge of the N55 National Road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

3.
 - a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the

same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

4.

- a) The external wall finishes of the proposed dwelling house shall have a neutral coloured nap plaster render, using colours such as grey or off white.
- b) The roof colour of the proposed dwellinghouse shall be blue-black, or slate grey using tiles or slates. The colour of the ridge tiles/cappings shall be the same as the colour of the roof.
- c) White uPVC shall not be used for windows, external doors and rainwater goods.

Reason: In the interest of visual amenity.

5. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7.

- a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

8.

- a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional

indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Robert Speer
Planning Inspector

28th October, 2022